



January 17, 2001

HOUSE BILL No. 1729

DIGEST OF HB 1729 (Updated January 17, 2001 8:11 PM - DI 92)

Citations Affected: IC 4-33; IC 5-14; IC 34-24; IC 35-43.

Synopsis: Compulsive gambling. Requires the Indiana gaming commission to adopt rules to enhance programs for the prevention and treatment of problem gambling. Requires the rules to implement a program in which problem gamblers may voluntarily exclude themselves from riverboat gambling facilities. Provides that the program must include a list of the participating persons. Provides that a person may be excluded or ejected from a riverboat gambling facility if the person's name is on the list of program participants. Provides that a person who participates in the program commits criminal trespass, a Class A misdemeanor, if the person knowingly or intentionally enters a riverboat gambling facility. Provides that the list of persons participating in a voluntary exclusion program is confidential. Provides that information submitted to the Indiana gaming commission by an applicant for an occupational license is confidential. Provides that a person who aids, induces, or causes a person less than twenty-one (21) years of age who is not an employee of the riverboat gambling operation to enter or attempt to enter a riverboat commits a Class A misdemeanor. Provides that a person less than twenty-one (21) years of age who is not an employee of the riverboat gambling operation

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Effective: Upon passage; July 1, 2001; January 1, 2002.

Lytle, Kuzman

January 11, 2001, read first time and referred to Committee on Public Policy, Ethics and Veterans Affairs.

January 17, 2001, amended, reported — Do Pass; referred to Committee on Ways and Means pursuant to House Rule 127.

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commits a Class A misdemeanor if the person knowingly or intentionally enters or attempts to enter a riverboat. Provides that a riverboat owner is not entitled to treble damages in a civil action against a person who caused the riverboat owner pecuniary loss by committing check deception. Provides that the riverboat owner may bring the civil action for actual damages. Authorizes the unlimited ingress and egress of riverboat patrons. Eliminates the requirement that riverboats cruise while gambling games are conducted. Authorizes a riverboat for Orange County. Requires a referendum in the towns of French Lick and West Baden. Establishes a county gaming development commission to designate a location within French Lick or West Baden for the development of a riverboat. Includes Paoli, Orleans, and Dubois County in the allocation of riverboat admissions taxes. Provides that the town council of French Lick must adopt an ordinance to permit the filing of applications for a permit to operate a satellite facility in French Lick. Exempts the satellite facility from the requirement of a county referendum. Provides that a satellite facility operating in French Lick may sell pull tabs. Authorizes the sale of pull tab tickets at a horse racing track and a horse racing satellite facility located in Marion County. Provides that the sale of pull tab tickets may not commence until after a satellite facility at a resort hotel in a county contiguous to Patoka Lake commences operations. Repeals provisions relating to the riverboat license authorized but never issued for Patoka Lake. Removes the prohibition on a riverboat owner from owning more than a 10% interest in another riverboat. Permits a person to own up to a 100% interest in two riverboats. Prohibits a riverboat located in a county contiguous to the Ohio River from being connected to a non-navigational barge, vessel, platform, or other structure. Provides that the list of persons participating in a voluntary exclusion program is confidential.

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January 17, 2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE BILL No. 1729

A BILL FOR AN ACT to amend the Indiana Code concerning gaming and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-33-4-3, AS AMENDED BY P.L.14-2000,
2 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2001]: Sec. 3. (a) The commission shall do the following:

4 (1) Adopt rules that the commission determines necessary to
5 protect or enhance the following:

6 (A) The credibility and integrity of gambling operations
7 authorized by this article.

8 (B) The regulatory process provided in this article.

9 (C) The natural environment and scenic beauty of Patoka
10 Lake.

11 (2) Conduct all hearings concerning civil violations of this article.

12 (3) Provide for the establishment and collection of license fees
13 and taxes imposed under this article.

14 (4) Deposit the license fees and taxes in the state gaming fund
15 established by IC 4-33-13.

16 (5) Levy and collect penalties for noncriminal violations of this
17 article.

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(6) Deposit the penalties in the state gaming fund established by IC 4-33-13.

(7) Be present through the commission's inspectors and agents during the time gambling operations are conducted on a riverboat to do the following:

(A) Certify the revenue received by a riverboat.

(B) Receive complaints from the public.

(C) Conduct other investigations into the conduct of the gambling games and the maintenance of the equipment that the commission considers necessary and proper.

~~(D) With respect to riverboats that operate on Patoka Lake, ensure compliance with the following:~~

~~(i) IC 14-26-2-6.~~

~~(ii) IC 14-26-2-7.~~

~~(iii) IC 14-28-1.~~

(8) Adopt emergency rules under IC 4-22-2-37.1 if the commission determines that:

(A) the need for a rule is so immediate and substantial that rulemaking procedures under IC 4-22-2-13 through IC 4-22-2-36 are inadequate to address the need; and

(B) an emergency rule is likely to address the need.

(9) Adopt rules to implement a voluntary exclusion program to be made available upon the request of a riverboat patron.

(b) The commission shall begin rulemaking procedures under IC 4-22-2-13 through IC 4-22-2-36 to adopt an emergency rule adopted under subsection (a)(8) not later than thirty (30) days after the adoption of the emergency rule under subsection (a)(8).

(c) Rules adopted under subsection (a)(9) must provide the following:

(1) That a person who participates in the voluntary exclusion program agrees to refrain from entering a riverboat at any time after the date the person enters the program.

(2) That the name of a person participating in the program will be included on a list of persons excluded from all riverboats.

(3) That a person who participates in the voluntary exclusion program may not petition the commission for readmittance onto a riverboat.

(4) That the list of patrons entering the voluntary exclusion program is confidential and may only be disseminated by the commission to the riverboat owners for purposes of enforcement.



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1 **(5) That a riverboat owner shall cease all direct marketing**
 2 **efforts to a person participating in the program.**

3 **(6) That a riverboat owner may not cash the check of a person**
 4 **participating in the program. However, the voluntary**
 5 **exclusion program does not preclude a riverboat owner from**
 6 **seeking the payment of a debt accrued by a person before**
 7 **entering the program.**

8 SECTION 2. IC 4-33-4-7 IS AMENDED TO READ AS FOLLOWS
 9 [EFFECTIVE JANUARY 1, 2002]: Sec. 7. (a) The commission may
 10 eject or exclude or authorize the ejection or exclusion of a person from
 11 riverboat gambling facilities if:

12 **(1) the person's name is on the list of persons voluntarily**
 13 **excluding themselves from all riverboats under the rules of**
 14 **the commission adopted under section 3 of this chapter;**

15 **(2) the person violates this article; or**

16 ~~(2)~~ **(3) the commission determines that the person's conduct or**
 17 **reputation is such that the person's presence within the riverboat**
 18 **gambling facilities may:**

19 (A) call into question the honesty and integrity of the gambling
 20 operations; or

21 (B) interfere with the orderly conduct of the gambling
 22 operations.

23 **(b) A person, other than a person participating in a voluntary**
 24 **exclusion program, may petition the commission for a hearing on the**
 25 **person's ejection or exclusion under this section.**

26 SECTION 3. IC 35-43-2-2, AS AMENDED BY P.L.259-1999,
 27 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JANUARY 1, 2002]: Sec. 2. (a) A person who:

29 (1) not having a contractual interest in the property, knowingly or
 30 intentionally enters the real property of another person after
 31 having been denied entry by the other person or that person's
 32 agent;

33 (2) not having a contractual interest in the property, knowingly or
 34 intentionally refuses to leave the real property of another person
 35 after having been asked to leave by the other person or that
 36 person's agent;

37 (3) accompanies another person in a vehicle, with knowledge that
 38 the other person knowingly or intentionally is exerting
 39 unauthorized control over the vehicle;

40 (4) knowingly or intentionally interferes with the possession or
 41 use of the property of another person without the person's consent;

42 (5) not having a contractual interest in the property, knowingly or

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intentionally enters the dwelling of another person without the person's consent; ~~or~~

(6) knowingly or intentionally enters or attempts to enter a riverboat licensed under IC 4-33 on a date following the date that the person agreed to participate in a voluntary exclusion program developed by the Indiana gaming commission; or

(7) knowingly or intentionally:

(A) travels by train without lawful authority or the railroad carrier's consent; and

(B) rides on the outside of a train or inside a passenger car, locomotive, or freight car, including a boxcar, flatbed, or container without lawful authority or the railroad carrier's consent;

commits criminal trespass, a Class A misdemeanor. However, the offense is a Class D felony if it is committed on a scientific research facility, on school property, or on a school bus or the person has a prior unrelated conviction for an offense under this section concerning the same property.

(b) A person has been denied entry under subdivision (a)(1) of this section when the person has been denied entry by means of:

(1) personal communication, oral or written; or

(2) posting or exhibiting a notice at the main entrance in a manner that is either prescribed by law or likely to come to the attention of the public.

(c) Subsections (a) and (b) do not apply to the following:

(1) A passenger on a train.

(2) An employee of a railroad carrier while engaged in the performance of official duties.

(3) A law enforcement officer, firefighter, or emergency response personnel while engaged in the performance of official duties.

(4) A person going on railroad property in an emergency to rescue a person or animal from harm's way or to remove an object that the person reasonably believes poses an imminent threat to life or limb.

(5) A person on the station grounds or in the depot of a railroad carrier:

(A) as a passenger; or

(B) for the purpose of transacting lawful business.

(6) A:

(A) person; or

(B) person's:

(i) family member;



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- (ii) invitee;
- (iii) employee;
- (iv) agent; or
- (v) independent contractor;

going on a railroad's right-of-way for the purpose of crossing at a private crossing site approved by the railroad carrier to obtain access to land that the person owns, leases, or operates.

(7) A person having written permission from the railroad carrier to go on specified railroad property.

(8) A representative of the Indiana department of transportation while engaged in the performance of official duties.

(9) A representative of the federal Railroad Administration while engaged in the performance of official duties.

(10) A representative of the National Transportation Safety Board while engaged in the performance of official duties.

SECTION 4. IC 5-14-3-4, AS AMENDED BY P.L.37-2000, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) The following public records are excepted from section 3 of this chapter and may not be disclosed by a public agency, unless access to the records is specifically required by a state or federal statute or is ordered by a court under the rules of discovery:

- (1) Those declared confidential by state statute.
- (2) Those declared confidential by rule adopted by a public agency under specific authority to classify public records as confidential granted to the public agency by statute.
- (3) Those required to be kept confidential by federal law.
- (4) Records containing trade secrets.
- (5) Confidential financial information obtained, upon request, from a person. However, this does not include information that is filed with or received by a public agency pursuant to state statute.
- (6) Information concerning research, including actual research documents, conducted under the auspices of an institution of higher education, including information:
 - (A) concerning any negotiations made with respect to the research; and
 - (B) received from another party involved in the research.
- (7) Grade transcripts and license examination scores obtained as part of a licensure process.
- (8) Those declared confidential by or under rules adopted by the supreme court of Indiana.
- (9) Patient medical records and charts created by a provider, unless the patient gives written consent under IC 16-39.



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(10) Application information declared confidential by the twenty-first century research and technology fund board under IC 4-4-5.1.

(b) Except as otherwise provided by subsection (a), the following public records shall be excepted from section 3 of this chapter at the discretion of a public agency:

(1) Investigatory records of law enforcement agencies. However, certain law enforcement records must be made available for inspection and copying as provided in section 5 of this chapter.

(2) The work product of an attorney representing, pursuant to state employment or an appointment by a public agency:

(A) a public agency;

(B) the state; or

(C) an individual.

(3) Test questions, scoring keys, and other examination data used in administering a licensing examination, examination for employment, or academic examination before the examination is given or if it is to be given again.

(4) Scores of tests if the person is identified by name and has not consented to the release of his scores.

(5) The following:

(A) Records relating to negotiations between the department of commerce, the Indiana development finance authority, the film commission, the Indiana business modernization and technology corporation, or economic development commissions with industrial, research, or commercial prospects, if the records are created while negotiations are in progress.

(B) Notwithstanding clause (A), the terms of the final offer of public financial resources communicated by the department of commerce, the Indiana development finance authority, the film commission, the Indiana business modernization and technology corporation, or economic development commissions to an industrial, a research, or a commercial prospect shall be available for inspection and copying under section 3 of this chapter after negotiations with that prospect have terminated.

(C) When disclosing a final offer under clause (B), the department of commerce shall certify that the information being disclosed accurately and completely represents the terms of the final offer.

(6) Records that are intra-agency or interagency advisory or

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deliberative material, including material developed by a private contractor under a contract with a public agency, that are expressions of opinion or are of a speculative nature, and that are communicated for the purpose of decision making.

(7) Diaries, journals, or other personal notes serving as the functional equivalent of a diary or journal.

(8) Personnel files of public employees and files of applicants for public employment, except for:

(A) the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first and last employment of present or former officers or employees of the agency;

(B) information relating to the status of any formal charges against the employee; and

(C) information concerning disciplinary actions in which final action has been taken and that resulted in the employee being disciplined or discharged.

However, all personnel file information shall be made available to the affected employee or his representative. This subdivision does not apply to disclosure of personnel information generally on all employees or for groups of employees without the request being particularized by employee name.

(9) Minutes or records of hospital medical staff meetings.

(10) Administrative or technical information that would jeopardize a recordkeeping or security system.

(11) Computer programs, computer codes, computer filing systems, and other software that are owned by the public agency or entrusted to it and portions of electronic maps entrusted to a public agency by a utility.

(12) Records specifically prepared for discussion or developed during discussion in an executive session under IC 5-14-1.5-6.1. However, this subdivision does not apply to that information required to be available for inspection and copying under subdivision (8).

(13) The work product of the legislative services agency under personnel rules approved by the legislative council.

(14) The work product of individual members and the partisan staffs of the general assembly.

(15) The identity of a donor of a gift made to a public agency if:

(A) the donor requires nondisclosure of his identity as a condition of making the gift; or

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(B) after the gift is made, the donor or a member of the donor's family requests nondisclosure.

(16) Library or archival records:

(A) which can be used to identify any library patron; or

(B) deposited with or acquired by a library upon a condition that the records be disclosed only:

(i) to qualified researchers;

(ii) after the passing of a period of years that is specified in the documents under which the deposit or acquisition is made; or

(iii) after the death of persons specified at the time of the acquisition or deposit.

However, nothing in this subdivision shall limit or affect contracts entered into by the Indiana state library pursuant to IC 4-1-6-8.

(17) The identity of any person who contacts the bureau of motor vehicles concerning the ability of a driver to operate a motor vehicle safely and the medical records and evaluations made by the bureau of motor vehicles staff or members of the driver licensing advisory committee. However, upon written request to the commissioner of the bureau of motor vehicles, the driver must be given copies of the driver's medical records and evaluations that concern the driver.

(18) School safety and security measures, plans, and systems, including emergency preparedness plans developed under 511 IAC 6.1-2-2.5.

(19) Information submitted to the Indiana gaming commission under IC 4-33-8-5.

(c) Notwithstanding section 3 of this chapter, a public agency is not required to create or provide copies of lists of names and addresses, unless the public agency is required to publish such lists and disseminate them to the public pursuant to statute. However, if a public agency has created a list of names and addresses, it must permit a person to inspect and make memoranda abstracts from the lists unless access to the lists is prohibited by law. The following lists of names and addresses may not be disclosed by public agencies to commercial entities for commercial purposes and may not be used by commercial entities for commercial purposes:

(1) A list of employees of a public agency.

(2) A list of persons attending conferences or meetings at a state institution of higher education or of persons involved in programs or activities conducted or supervised by the state institution of

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higher education.

(3) A list of students who are enrolled in a public school corporation if the governing body of the public school corporation adopts a policy:

(A) prohibiting the disclosure of the list to commercial entities for commercial purposes; or

(B) specifying the classes or categories of commercial entities to which the list may not be disclosed or by which the list may not be used for commercial purposes.

A policy adopted under subdivision (3) must be uniform and may not discriminate among similarly situated commercial entities.

(d) Nothing contained in subsection (b) shall limit or affect the right of a person to inspect and copy a public record required or directed to be made by any statute or by any rule of a public agency.

(e) Notwithstanding any other law, a public record that is classified as confidential, other than a record concerning an adoption, shall be made available for inspection and copying seventy-five (75) years after the creation of that record.

(f) Notwithstanding subsection (e) and section 7 of this chapter:

(1) public records subject to IC 5-15 may be destroyed only in accordance with record retention schedules under IC 5-15; or

(2) public records not subject to IC 5-15 may be destroyed in the ordinary course of business.

SECTION 5. IC 4-33-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) A person who knowingly or intentionally:

(1) makes a false statement on an application submitted under this article;

(2) operates a gambling excursion in which wagering is conducted or is to be conducted in a manner other than the manner required under this article;

(3) permits a person less than twenty-one (21) years of age to make a wager;

(4) **aids, induces, or causes a person less than twenty-one (21) years of age who is not an employee of the riverboat gambling operation to enter or attempt to enter a riverboat; or**

(5) wagers or accepts a wager at a location other than a riverboat; or

~~(5) makes a false statement on an application submitted to the commission under this article;~~

commits a Class A misdemeanor.

(b) A person who:

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- 1 **(1) is not an employee of the riverboat gambling operation;**
 2 **(2) is less than twenty-one (21) years of age; and**
 3 **(3) knowingly or intentionally enters or attempts to enter a**
 4 **riverboat;**

5 **commits a Class A misdemeanor.**

6 SECTION 6. IC 34-24-3-1 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. **(a)** If a person
 8 suffers a pecuniary loss as a result of a violation of IC 35-43,
 9 IC 35-42-3-3, IC 35-42-3-4, or IC 35-45-9, the person may bring a civil
 10 action against the person who caused the loss for the following:

11 **(1) Except as provided in subsection (b),** an amount not to
 12 exceed three (3) times the actual damages of the person suffering
 13 the loss.

14 **(2)** The costs of the action.

15 **(3)** A reasonable attorney's fee.

16 **(4)** Actual travel expenses that are not otherwise reimbursed
 17 under subdivisions (1) through (3) and are incurred by the person
 18 suffering loss to:

19 **(A)** have the person suffering loss or an employee or agent of
 20 that person file papers and attend court proceedings related to
 21 the recovery of a judgment under this chapter; or

22 **(B)** provide witnesses to testify in court proceedings related to
 23 the recovery of a judgment under this chapter.

24 **(5)** A reasonable amount to compensate the person suffering loss
 25 for time used to:

26 **(A)** file papers and attend court proceedings related to the
 27 recovery of a judgment under this chapter; or

28 **(B)** travel to and from activities described in clause (A).

29 **(6)** Actual direct and indirect expenses incurred by the person
 30 suffering loss to compensate employees and agents for time used
 31 to:

32 **(A)** file papers and attend court proceedings related to the
 33 recovery of a judgment under this chapter; or

34 **(B)** travel to and from activities described in clause (A).

35 **(7)** All other reasonable costs of collection.

36 **(b) The owner of a riverboat licensed under IC 4-33, or the**
 37 **owner's assignee, who suffers pecuniary loss as the result of a**
 38 **violation of IC 35-43-5-5 is entitled to an amount that may not**
 39 **exceed the actual damages resulting from the violation of**
 40 **IC 35-43-5-5. In addition, the owner or the owner's assignee is**
 41 **entitled to the amounts described in subsection (a)(2) through**
 42 **(a)(7).**



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SECTION 7. IC 4-33-2-5.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 5.5. "Continuously moored vessel" means a vessel formerly self-propelled that previously cruised navigable waters but has now been determined by the United States Coast Guard to be continuously docked and removed from navigation.**

SECTION 8. IC 4-33-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 7. "Dock" means the location where ~~an excursion~~ a riverboat moors for the purpose of embarking passengers for and disembarking passengers from a ~~gambling excursion~~ the riverboat.

SECTION 9. IC 4-33-2-15.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 15.5. "Patron" means an individual who:**

(1) boards a riverboat; and

(2) is not entitled to receive a tax free pass.

SECTION 10. IC 4-33-2-15.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 15.7. "Permanently moored vessel" means a vessel out of navigation mounted on a floating platform.**

SECTION 11. IC 4-33-2-16.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 16.3. "Regulatory and review agency" means any United States classification society or its agents recognized by the United States Secretary of Transportation under authority of 46 U.S.C. 3316 to conduct inspections, make examinations of, and issue certificates for vessels of the United States.**

SECTION 12. IC 4-33-2-16.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 16.5. "Reporting period" means a twenty-four (24) hour increment used by the department to assess taxes under this article commencing at 6:00 a.m. on one (1) day and concluding at 5:59 a.m. the following day.**

SECTION 13. IC 4-33-2-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 17. "Riverboat" means a ~~self-propelled excursion boat~~ **permanently or continuously moored vessel** located in a county described in IC 4-33-1-1 on which lawful gambling is authorized and licensed under this article.

SECTION 14. IC 4-33-4-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 13. (a) ~~After consulting~~



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1 ~~with the United States Army Corps of Engineers, The commission may~~
 2 ~~do the following:~~

3 (1) ~~Determine the waterways that are navigable waterways for~~
 4 ~~purposes of this article:~~

5 (2) determine the ~~navigable~~ waterways that are suitable **locations**
 6 for ~~the operation of~~ riverboats under this article.

7 (b) In determining the ~~navigable~~ waterways on which riverboats
 8 may ~~operate, be located,~~ the commission shall do the following:

9 (1) Obtain any required approvals from the United States Army
 10 Corps of Engineers for the ~~operation~~ **docking** of riverboats on
 11 those waterways.

12 (2) Consider the economic benefit that riverboat gambling
 13 provides to Indiana.

14 (3) Seek to ensure that all regions of Indiana share in the
 15 economic benefits of riverboat gambling.

16 (4) ~~Considering IC 14-26-2-6, IC 14-26-2-7, and IC 14-28-1,~~
 17 ~~conduct a feasibility study concerning:~~

18 (A) ~~the environmental impact of the navigation and docking of~~
 19 ~~riverboats upon Patoka Lake; and~~

20 (B) ~~the impact of the navigation and docking of riverboats~~
 21 ~~upon the scenic beauty of Patoka Lake.~~

22 SECTION 15. IC 4-33-4-21.2 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 21.2. (a) The Indiana
 24 gaming commission shall require a licensed owner to conspicuously
 25 display the number of the toll free telephone line described in
 26 IC 4-33-12-6 in the following locations:

27 (1) On each admission ticket to a riverboat, ~~gambling excursion;~~
 28 **if tickets are issued.**

29 (2) On a poster or placard that is on display in a public area of
 30 each riverboat where gambling games are conducted.

31 (b) The toll free telephone line described in IC 4-33-12-6 must be:

32 (1) maintained by the division of mental health under
 33 IC 12-23-1-6; and

34 (2) funded by the addiction services fund established by
 35 IC 12-23-2-2.

36 (c) The commission may adopt rules under IC 4-22-2 necessary to
 37 carry out this section.

38 SECTION 16. IC 4-33-6-1 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) The commission
 40 may issue to a person a license to own ~~one (1)~~ a riverboat subject to the
 41 numerical and geographical limitation of owner's licenses under this
 42 section, **section 3.5 of this chapter**, and IC 4-33-4-17. However, not



more than ~~eleven (11)~~ **ten (10)** owner's licenses may be in effect at any time. Except as provided in subsection (b), those ~~eleven (11)~~ **ten (10)** licenses are as follows:

(1) Two (2) licenses for a riverboat that ~~operates from~~ **is docked in** the largest city located in the counties described under IC 4-33-1-1(1).

(2) One (1) license for a riverboat that ~~operates from~~ **is docked in** the second largest city located in the counties described under IC 4-33-1-1(1).

(3) One (1) license for a riverboat that ~~operates from~~ **is docked in** the third largest city located in the counties described under IC 4-33-1-1(1).

(4) One (1) license for a city located in the counties described under IC 4-33-1-1(1). This license may not be issued to a city described in subdivisions (1) through (3).

(5) A total of five (5) licenses for riverboats that ~~operate upon~~ **are docked in** the Ohio River ~~from at~~ counties described under IC 4-33-1-1(2). The commission may not issue a license to an applicant if the issuance of the license would result in more than one (1) riverboat ~~operating from~~ **docking in** a county described in IC 4-33-1-1(2).

~~(6) One (1) license for a riverboat that operates upon Patoka Lake from a county described under IC 4-33-1-1(3).~~

(b) If a city described in subsection (a)(2) or (a)(3) conducts two (2) elections under section 20 of this chapter, and the voters of the city do not vote in favor of permitting riverboat gambling at either of those elections, the license assigned to that city under subsection (a)(2) or (a)(3) may be issued to any city that:

(1) does not already have a riverboat operating ~~from in~~ the city; and

(2) is located in a county described in IC 4-33-1-1(1).

SECTION 17. IC 4-33-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) In determining whether to grant an owner's license to an applicant, the commission shall consider the following:

(1) The character, reputation, experience, and financial integrity of the following:

(A) The applicant.

(B) A person that:

(i) directly or indirectly controls the applicant; or

(ii) is directly or indirectly controlled by the applicant or by a person that directly or indirectly controls the applicant.



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(2) The facilities or proposed facilities for the conduct of riverboat gambling.

(3) The highest prospective total revenue to be collected by the state from the conduct of riverboat gambling.

(4) The good faith affirmative action plan of each applicant to recruit, train, and upgrade minorities in all employment classifications.

(5) The financial ability of the applicant to purchase and maintain adequate liability and casualty insurance.

(6) If the applicant has adequate capitalization to provide and maintain a riverboat for the duration of the license.

(7) The extent to which the applicant exceeds or meets other standards adopted by the commission.

(b) In an application for an owner's license, the applicant must submit to the commission a proposed design of the riverboat and the dock. ~~The commission may not grant a license to an applicant if the commission determines that it will be difficult or unlikely for the riverboat to depart from the dock.~~

SECTION 18. IC 4-33-6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. In an application for an owner's license, the applicant must state the dock at which the riverboat is based and the ~~navigable~~ waterway on which the riverboat will operate.

SECTION 19. IC 4-33-6-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 9. (a) A licensed owner must post a bond with the commission at least sixty (60) days before the commencement of ~~regular gambling on the riverboat. excursions.~~

(b) The bond shall be furnished in:

(1) cash or negotiable securities;

(2) a surety bond:

(A) with a surety company approved by the commission; and

(B) guaranteed by a satisfactory guarantor; or

(3) an irrevocable letter of credit issued by a banking institution of Indiana acceptable to the commission.

(c) If a bond is furnished in cash or negotiable securities, the principal shall be placed without restriction at the disposal of the commission, but income inures to the benefit of the licensee.

(d) The bond:

(1) is subject to the approval of the commission;

(2) must be in an amount that the commission determines will adequately reflect the amount that a local community will expend for infrastructure and other facilities associated with a riverboat

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operation; and

(3) must be payable to the commission as obligee for use in payment of the licensed owner's financial obligations to the local community, the state, and other aggrieved parties, as determined by the rules of the commission.

(e) If after a hearing (after at least five (5) days written notice) the commission determines that the amount of a licensed owner's bond is insufficient, the licensed owner shall upon written demand of the commission file a new bond.

(f) The commission may require a licensed owner to file a new bond with a satisfactory surety in the same form and amount if:

(1) liability on the old bond is discharged or reduced by judgment rendered, payment made, or otherwise; or

(2) in the opinion of the commission any surety on the old bond becomes unsatisfactory.

(g) If a new bond obtained under subsection (e) or (f) is unsatisfactory, the commission shall cancel the owner's license. If the new bond is satisfactorily furnished, the commission shall release in writing the surety on the old bond from any liability accruing after the effective date of the new bond.

(h) A bond is released on the condition that the licensed owner remains at the site for which the owner's license is granted for the lesser of:

(1) five (5) years; or

(2) the date the commission grants a license to another licensed owner to operate from the site for which the bond was posted.

(i) A licensed owner who does not meet the requirements of subsection (h) forfeits a bond filed under this section. The proceeds of a bond that is in default under this subsection are paid to the commission for the benefit of the local unit from which the riverboat operated.

(j) The total and aggregate liability of the surety on a bond is limited to the amount specified in the bond and the continuous nature of the bond may in no event be construed as allowing the liability of the surety under a bond to accumulate for each successive approval period during which the bond is in force.

(k) A bond filed under this section is released sixty (60) days after:

(1) the time has run under subsection (h); and

(2) a written request is submitted by the licensed owner.

SECTION 20. IC 4-33-6-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 10. (a) An owner's license issued under this chapter permits the holder to own and operate

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one (1) riverboat and equipment for each license.

(b) **An owner's license issued under this chapter permits the holder to conduct gambling games authorized under this article while the riverboat is docked and to allow the continuous ingress and egress of passengers for purposes of gambling.**

(c) An owner's license issued under this chapter must specify the place where the riverboat must operate and dock. However, the commission may permit the riverboat to dock at a temporary dock in the applicable city for a specific period of time not to exceed one (1) year after the owner's license is issued.

(~~c~~) (d) An owner's initial license expires five (5) years after the effective date of the license.

SECTION 21. IC 4-33-6-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 11. The commission may revoke an owner's license if:

(1) the licensee begins regular ~~riverboat excursions~~ **operations** more than twelve (12) months after receiving the commission's approval of the application for the license; and

(2) the commission determines that the revocation of the license is in the best interests of Indiana.

SECTION 22. IC 4-33-10-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. An action to prosecute a crime occurring during a gambling ~~excursion on a riverboat~~ shall be tried in the county of the dock where the riverboat is ~~based~~ **located**.

SECTION 23. IC 4-33-12-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) A tax is imposed on admissions to ~~gambling excursions~~ **a riverboat** authorized under this article at a rate of three dollars (\$3) for each ~~person admitted to the gambling excursion~~ **patron who is on board at the time a passenger count is recorded**.

(b) **Passenger counts must be recorded one (1) hour after the start of each reporting period and once every two (2) hours thereafter under procedures approved by the commission.**

(c) **If the riverboat's schedule as approved by the commission does not provide for the riverboat to be open to the public at the start of the reporting period, passenger counts must be recorded one (1) hour after the riverboat begins admitting patrons during a reporting period and once every two (2) hours thereafter under procedures approved by the commission.**

(d) This admission tax is imposed upon the licensed owner conducting the gambling ~~excursion~~ **operation**.



SECTION 24. IC 4-33-16 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:

Chapter 16. Riverboat Safety Standards

Sec. 1. A riverboat that does not have a valid certificate of inspection from the United States Coast Guard to carry at least five hundred (500) passengers is required to meet the following safety standards:

(1) The fire safety standards contained in the National Fire Protection Association, NFPA Standard 307, Standard for the Construction and Fire Protection of Marine Terminals, Piers, and Wharfs.

(2) The NFPA Life Safety Code.

Sec. 2. (a) A stability test shall be conducted by the licensee in accordance with 46 CFR, subchapter S, part 170, subpart F. This test shall be witnessed by the American Bureau of Shipping, or another regulatory and review agency or private contractor designated by the commission. Instead of a stability test, the licensee may elect to perform a deadweight survey to determine the lightweight displacement and longitudinal center of gravity. The vertical center of gravity shall be determined by a conservative estimate, subject to approval by the American Bureau of Shipping or another regulatory and review agency designated by the commission.

(b) The intact stability characteristics for each riverboat must comply with the following criteria:

(1) 46 CFR 170.160.

(2) 46 CFR 170.170.

(3) 46 CFR 170.173.

(4) 46 CFR 171.050.

Instead of compliance with 46 CFR 170.173, the licensee may elect to comply with alternate criteria for vessels of unusual proportion and form, as may be acceptable at that time to the United States Coast Guard, for certified passenger vessels.

(c) A riverboat must comply with one (1) compartment standard of flooding, as outlined in 46 CFR 171.070, regardless of the passenger capacity of the riverboat.

(d) A riverboat must comply with the damage stability standards set forth in 46 CFR 171.080 and the requirements for stability after damage (damaging righting energy criteria) as may be acceptable at that time to the United States Coast Guard, for certified passenger vessels. All stability calculations required by



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1 this subsection shall be furnished by the licensee to the American
 2 Bureau of Shipping or another regulatory and review agency
 3 designated by the commission, for review and approval by that
 4 agency. All riverboats must have a letter from the designated
 5 agency stating compliance with this criteria.

6 Sec. 3. (a) A riverboat must undergo an inspection before
 7 licensure and annually thereafter by a regulatory and review
 8 agency resulting in a finding of safety and suitability for its
 9 intended purpose.

10 (b) A riverboat must:

11 (1) have approved by the commission before licensure and
 12 annually thereafter a plan for firefighting and the protection
 13 and evacuation of personnel; and

14 (2) have a staff sufficiently trained as required to execute the
 15 plan.

16 (c) A riverboat shall comply with standards for safety, design,
 17 construction, inspection, survey, and moorings of permanently
 18 moored or continuously moored riverboats submitted by a
 19 regulatory and review agency and approved by the commission.

20 SECTION 25. THE FOLLOWING ARE REPEALED [EFFECTIVE
 21 JULY 1, 2001]: IC 4-33-2-8; IC 4-33-4-10; IC 4-33-4-20; IC 4-33-6-6;
 22 IC 4-33-9-2; IC 4-33-9-3; IC 4-33-9-14; IC 4-33-12-2.

23 SECTION 26. IC 4-33-1-1.1 IS ADDED TO THE INDIANA CODE
 24 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 25 UPON PASSAGE]: Sec. 1.1. In addition to the counties described in
 26 section 1 of this chapter, this article applies to a county having a
 27 population of more than eighteen thousand three hundred (18,300)
 28 but less than eighteen thousand five hundred (18,500).

29 SECTION 27. IC 4-33-6-19.5 IS ADDED TO THE INDIANA
 30 CODE AS A NEW SECTION TO READ AS FOLLOWS
 31 [EFFECTIVE UPON PASSAGE]: Sec. 19.5. (a) This section applies
 32 to a county having a population of more than eighteen thousand
 33 three hundred (18,300) but less than eighteen thousand five
 34 hundred (18,500).

35 (b) In addition to the licenses authorized under section 1 of this
 36 chapter, the commission may issue only one (1) license under this
 37 section to allow a riverboat to operate in the county from:

38 (1) a town having a population of more than two thousand
 39 eighty-five (2,085) but less than three thousand (3,000) located
 40 in the county; or

41 (2) a town having a population of more than six hundred (600)
 42 but less than seven hundred (700) located in the county.



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(c) The commission may not issue a license under this article to allow a riverboat to operate from a town described in subsection (b) in the county unless the voters of the town have approved gambling on riverboats in the county.

(d) If at least the number of the registered voters of the town required under IC 3-8-6-3 for a petition to place a candidate on the ballot sign a petition submitted to the clerk of the circuit court requesting that a local public question concerning riverboat gambling be placed on the ballot, the county election board shall place the following question on the ballot in the town described in subsection (b) during the next primary or general election or a special election held under this section:

"Shall a license be issued to allow riverboat gambling in the town of _____?"

(e) A public question under this section shall be placed on the ballot in accordance with IC 3-10-9.

(f) If a public question is placed on the ballot under this section and the voters of the town do not vote in favor of allowing riverboat gambling under IC 4-33, another public question regarding riverboat gambling may not be held in the town for at least two (2) years.

(g) In a special election held under this section:

(1) IC 3 applies, except as otherwise provided in this section; and

(2) at least as many precinct polling places that were used in the town described in subsection (b) during the most recent municipal election must be used for the special election.

(h) The clerk of the circuit court of a county holding an election under this section shall certify the results determined under IC 3-12-4-9 to the commission and the department of state revenue.

SECTION 28. IC 4-33-10-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. (a) This section applies only to property given after June 30, 1996.

(b) The definitions in IC 3-5-2 apply to this section to the extent they do not conflict with the definitions in this article.

(c) As used in this section, "license" means:

(1) an owner's license issued under this article; or

(2) a supplier's license issued under this article to a supplier of gaming supplies or equipment, including electronic gaming equipment.

(d) As used in this section, "licensee" means a person who holds a license.



(e) As used in this section, "officer" refers only to either of the following:

- (1) An individual listed as an officer of a corporation in the corporation's most recent annual report.
- (2) An individual who is a successor to an individual described in subdivision (1).

(f) For purposes of this section, a person is considered to have an interest in a licensee if the person satisfies any of the following:

- (1) The person holds at least a one percent (1%) interest in the licensee.
- (2) The person is an officer of the licensee.
- (3) The person is an officer of a person that holds at least a one percent (1%) interest in the licensee.
- (4) The person is a political action committee of the licensee.

(g) A licensee or a person with an interest in a licensee may not give any property (as defined in IC 35-41-1-23) to a member of a precinct committee to induce the member of the precinct committee to do any act or refrain from doing any act with respect to the approval of a local public question under IC 4-33-6-19 **or IC 4-33-6-19.5.**

(h) A person who knowingly or intentionally violates this section commits a Class D felony.

SECTION 29. IC 4-33-12-6.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 6.1. (a) This section applies only to a riverboat licensed to operate in a county described in IC 4-33-1-1.1.**

(b) Notwithstanding section 6 of this chapter, the treasurer of state shall distribute the admissions tax collected by the licensed owner for each person embarking on the riverboat during the quarter as follows:

- (1) Ninety cents (\$0.90) shall be paid to a town having a population of more than two thousand eighty-five (2,085) but less than three thousand (3,000) located in the county.**
- (2) Eighty cents (\$0.80) shall be paid to the county.**
- (3) Thirty cents (\$0.30) shall be paid to a town having a population of more than six hundred (600) but less than seven hundred (700) located in the county.**
- (4) Forty cents (\$0.40) shall be paid to the tourism commission of a town having a population of more than two thousand eighty-five (2,085) but less than three thousand (3,000) located in the county.**
- (5) Forty cents (\$0.40) shall be paid to the tourism commission**



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of a town having a population of more than six hundred (600) but less than seven hundred (700) located in the county.

(6) Ten cents (\$0.10) shall be paid to a county having a population of more than thirty-six thousand (36,000) but less than thirty-six thousand seven hundred (36,700).

(7) Five cents (\$0.05) shall be paid to a town located in the county having a population of more than three thousand five hundred (3,500) but less than four thousand (4,000).

(8) Five cents (\$0.05) shall be paid to a town located in the county having a population of more than two thousand (2,000) but less than two thousand eighty-five (2,085).

(c) Money paid to a unit of local government under subsection (b):

(1) must be paid to the fiscal officer of the unit and may be deposited in the unit's general fund or riverboat fund established under IC 36-1-8-9, or both; and

(2) may be used for any legal or corporate purpose of the unit, including the pledge of money to bonds, leases, or other obligations under IC 5-1-14-4.

SECTION 30. IC 4-33-13-5.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.1. (a) This section applies only to a riverboat licensed to operate in a county described in IC 4-33-1-1.1.

(b) Notwithstanding section 5 of this chapter, twenty-five percent (25%) of the tax revenue remitted by the licensed owner under this chapter shall be paid as follows:

(1) Thirty percent (30%) to a town described in IC 4-33-6-19.5(b)(1).

(2) Thirty percent (30%) to the county.

(3) Twenty-five percent (25%) to a town described in IC 4-33-6-19.5(b)(2).

(4) Ten percent (10%) to the tourism commission of a town described in IC 4-33-6-19.5(b)(1).

(5) Five percent (5%) to the tourism commission of a town described in IC 4-33-6-19.5(b)(2).

(c) Seventy-five percent (75%) of the tax revenue remitted by the licensed owner under this chapter shall be paid to the build Indiana fund lottery and gaming surplus account.

SECTION 31. IC 4-33-17 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:



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Chapter 17. County Gaming Development Commission

Sec. 1. (a) This chapter applies to a county having a population of more than eighteen thousand three hundred (18,300) but less than eighteen thousand five hundred (18,500).

(b) This chapter applies if the voters of either:

(1) the town described in IC 4-33-6-19.5(b)(1); or

(2) the town described in IC 4-33-6-19.5(b)(2);

approve a riverboat operating in the county in a public question held under IC 4-33-6-19.5.

Sec. 2. The county gaming development commission is established. The commission consists of three (3) members as follows:

(1) One (1) member representing the town described in IC 4-33-6-19.5(b)(1) appointed by the town executive.

(2) One (1) member representing the town described in IC 4-33-6-19.5(b)(2) appointed by the town executive.

(3) One (1) member representing the county appointed by the board of county commissioners.

Sec. 3. The county gaming development commission shall designate a site for a riverboat licensed under this article to operate in the county not more than one hundred eighty (180) days after the formation of the county gaming development commission. The decision of the gaming development commission is final. The gaming development commission shall report its decision to the Indiana gaming commission.

Sec. 4. The county gaming development commission shall consider the following locations within the county for the site of a riverboat licensed under this article:

(1) Land located in the town described in IC 4-33-6-19.5(b)(1).

(2) Land located in the town described in IC 4-33-6-19.5(b)(2).

Sec. 5. (a) Before designating a site, the county gaming development commission, in consultation with the Indiana gaming commission, shall conduct a survey and study on the suitability of various areas of the towns described in section 4 of this chapter for riverboat development. The county gaming development commission shall hold a public hearing on the sites considered for possible riverboat development. At the public hearing, the county gaming development commission shall provide the following information:

(1) A map of each site.

(2) A description of the buildings and improvements located on the site.



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(3) An explanation by the county gaming development commission of the advantages and disadvantages of each site.

(b) Citizens, taxpayers, and interested parties may present questions and testimony at the hearing held under subsection (a).

(c) Notice of the hearing held under subsection (a) must be given in accordance with IC 5-3-1. The notice must state the following:

(1) The date, time, and place of the hearing.

(2) That the county gaming development commission will meet to discuss and hear testimony concerning the selection of a proposed site for a riverboat licensed under this article.

(d) At the conclusion of the hearing or at a later meeting, the county gaming development commission shall determine whether a site discussed at the hearing held under subsection (a) or any other site shall be further studied. After making a determination concerning further study, the county gaming development commission shall adopt a resolution tentatively selecting a site for designation under section 3 of this chapter. The county gaming development commission shall then hold a hearing at which a tentatively selected site is designated under section 3 of this chapter. The county gaming development commission shall give notice of the hearing in accordance with IC 5-3-1. The notice must state the following:

(1) The date, time, and place of the hearing.

(2) The location of the tentatively selected site that is under consideration for designation under section 3 of this chapter.

(3) That the description and study of the site described in subdivision (2) will be available for public inspection before the hearing held under this subsection.

(e) Citizens, taxpayers, and interested parties may present questions and testimony at the hearing held under subsection (d).

(f) At the conclusion of a hearing held under subsection (d) or at a later meeting, the county gaming development commission shall adopt a resolution designating a site for riverboat development. The county gaming development commission shall certify the resolution adopted under this section to the Indiana gaming commission not more than five (5) days after the adoption of the resolution.

Sec. 6. The Indiana gaming commission shall act upon the designation of the county gaming development commission not more than thirty (30) days after the receipt of the certified resolution adopted under section 5 of this chapter.

SECTION 32. IC 4-31-4-1.3 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1.3. (a) This section
2 does not apply to a person who satisfies all of the following:

- 3 (1) The person was issued a satellite facility license before
4 January 2, 1996.
5 (2) The person operated a satellite facility before January 2, 1996.
6 (3) The person is currently operating the satellite facility under
7 the license.

8 (b) **This subsection does not apply to a county having a**
9 **population of more than eighteen thousand three hundred (18,300)**
10 **but less than eighteen thousand five hundred (18,500).** A person
11 may not operate under a satellite facility license unless both of the
12 following apply:

- 13 (1) The county fiscal body of the county in which the satellite
14 facility will be operated has adopted an ordinance under section
15 2.5 of this chapter.
16 (2) The person secures a license under IC 4-31-5.5.

17 (c) **This subsection applies only to a county having a population**
18 **of more than eighteen thousand three hundred (18,300) but less**
19 **than eighteen thousand five hundred (18,500).** A person may not
20 operate under a satellite facility license unless both of the following
21 apply:

- 22 (1) **The town fiscal body of the town in which the satellite**
23 **facility will be operated has adopted an ordinance under**
24 **section 2.6 of this chapter.**
25 (2) **The person secures a license under IC 4-31-5.5.**

26 SECTION 33. IC 4-31-4-2.5 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2.5. (a) **This section**
28 **does not apply to a county having a population of more than**
29 **eighteen thousand three hundred (18,300) but less than eighteen**
30 **thousand five hundred (18,500).**

31 (b) A county fiscal body may adopt an ordinance permitting the
32 filing of applications under IC 4-31-5.5 for operation of a satellite
33 facility in the county. However, before adopting the ordinance, the
34 county fiscal body must:

- 35 (1) conduct a public hearing on the proposed ordinance; and
36 (2) publish notice of the public hearing in the manner prescribed
37 by IC 5-3-1.

38 ~~(b)~~ (c) The county fiscal body may:

- 39 (1) require in the ordinance adopted by the county fiscal body that
40 before applications under IC 4-31-5.5 to operate a satellite facility
41 in the county may be filed, the voters of the county must approve
42 the operation of a satellite facility in the county under section 3 of

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1 this chapter; or

2 (2) amend an ordinance already adopted in the county to require
3 that before applications under IC 4-31-5.5 to operate a satellite
4 facility in the county may be filed, the voters of the county must
5 approve the operation of a satellite facility in the county under
6 section 3 of this chapter.

7 An ordinance adopted under this section may not be amended to apply
8 to a person who was issued a license under IC 4-31-5.5 before the
9 ordinance was amended.

10 SECTION 34. IC 4-31-4-2.6 IS ADDED TO THE INDIANA CODE
11 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
12 1, 2001]: **Sec. 2.6. (a) This section applies only to a town having a
13 population of more than two thousand eighty-five (2,085) but less
14 than three thousand (3,000) that is located in a county having a
15 population of more than eighteen thousand three hundred (18,300)
16 but less than eighteen thousand five hundred (18,500).**

17 **(b) The town fiscal body may adopt an ordinance permitting the
18 filing of applications under IC 4-31-5.5 for operation of a satellite
19 facility in the town. However, before adopting the ordinance, the
20 town fiscal body must:**

- 21 **(1) conduct a public hearing on the proposed ordinance; and**
22 **(2) publish notice of the public hearing in the manner**
23 **prescribed by IC 5-3-1.**

24 SECTION 35. IC 4-31-4-2.7 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 2.7. (a) This section**
26 **does not apply to either of the following:**

- 27 (1) A permit holder who satisfies all of the following:
28 (A) The permit holder was issued a permit before January 2,
29 1996.
30 (B) The permit holder conducted live racing before January 2,
31 1996.
32 (C) The permit holder is currently operating under the permit.
33 (2) A person who satisfies all of the following:
34 (A) The person was issued a satellite facility license before
35 January 2, 1996.
36 (B) The person operated a satellite facility before January 2,
37 1996.
38 (C) The person is currently operating the satellite facility
39 under the license.

40 **(3) An applicant for a license to operate a satellite facility in**
41 **a town described in section 2.6 of this chapter.**

42 (b) This section applies only if either of the following apply:

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(1) The recognized meeting permit is for conducting a horse racing meeting on public property.

(2) The satellite facility license is for operating a satellite facility on public property.

(c) As used in this section, "public property" refers to real property owned by, or not more than two (2) years before issuance of the permit or license any interest in which is transferred by, any of the following:

(1) The federal government.

(2) The state.

(3) A political subdivision (as defined in IC 36-1-2-13).

(4) An agency or instrumentality of an entity described in subdivision (1), (2), or (3).

(d) Notwithstanding any other provision of this article, the commission may not do either of the following:

(1) Issue a recognized meeting permit under IC 4-31-5 to allow the conducting of or the assisting of the conducting of a horse racing meeting unless the voters of the county in which the public property is located have approved the conducting of recognized meetings in the county.

(2) Issue a satellite facility license under IC 4-31-5.5 unless the voters of the county in which the public property is located have approved the operation of a satellite facility in the county.

SECTION 36. IC 4-31-7.5-19 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 19. (a) This section applies to a satellite facility located in a town having a population of more than two thousand eighty-five (2,085) but less than three thousand (3,000) that is located in a county having a population of more than eighteen thousand three hundred (18,300) but less than eighteen thousand five hundred (18,500).**

(b) Notwithstanding any other provision of this chapter, the satellite facility described in subsection (a) may sell or redeem pari-mutuel pull tab tickets under this chapter.

SECTION 37. IC 4-31-2-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 1.5. "Adjusted gross receipts" means:**

(1) the total of all cash and property (including checks received by a permit holder or satellite facility operator whether collected or not), received by a permit holder or satellite facility operator from pari-mutuel pull tab sales; minus

(2) the total of:

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(A) all cash paid out as winnings for pari-mutuel pull tabs to patrons; and

(B) uncollectible pari-mutuel pull tab receivables, not to exceed the lesser of:

(i) a reasonable provision for uncollectible patron checks received from pari-mutuel pull tab sales; or

(ii) two percent (2%) of the total of all sums, including checks, whether collected or not, less the amount paid out as winnings for pari-mutuel pull tabs to patrons.

For purposes of this section, a counter or personal check that is invalid or unenforceable under this article is considered cash received by the permit holder or satellite facility operator from pari-mutuel pull tab sales.

SECTION 38. IC 4-31-2-11.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 11.5. "Pari-mutuel pull tab" means a game offered to the public in which those persons who purchase a ticket have the opportunity to share in a prize pool, multiple prize pools, or a shared prize pool consisting of the total amount wagered in the game minus deductions by the permit holder or satellite facility operator selling the pari-mutuel pull tab and other deductions either permitted or required by law.

SECTION 39. IC 4-31-5.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) As used in this section, "live racing day" means a day on which at least eight (8) live horse races are conducted.

(b) The commission's authority to issue satellite facility licenses is subject to the following conditions:

(1) The commission may issue four (4) satellite facility licenses to each permit holder that:

(A) conducts at least one hundred twenty (120) live racing days per year at the racetrack designated in the permit holder's permit; and

(B) meets the other requirements of this chapter and the rules adopted under this chapter.

If a permit holder that operates satellite facilities does not meet the required minimum number of live racing days, the permit holder may not operate the permit holder's satellite facilities during the following year. However, the requirement for one hundred twenty (120) live racing days does not apply if the commission determines that the permit holder is prevented from conducting live horse racing as a result of a natural disaster or other event over which the permit holder has no

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control. In addition, if the initial racing meeting conducted by a permit holder commences at such a time as to make it impractical to conduct one hundred twenty (120) live racing days during the permit holder's first year of operations, the commission may authorize the permit holder to conduct simulcast wagering during the first year of operations with fewer than one hundred twenty (120) live racing days.

(2) Each proposed satellite facility must be covered by a separate application. The timing for filing an initial application for a satellite facility license shall be established by the rules of the commission.

(3) A satellite facility must:

(A) have full dining service available;

(B) have multiple screens to enable each patron to view simulcast races; and

(C) be designed to seat comfortably a minimum of four hundred (400) persons.

(4) In determining whether a proposed satellite facility should be approved, the commission shall consider the following:

(A) The purposes and provisions of this chapter.

(B) The public interest.

(C) The impact of the proposed satellite facility on live racing.

(D) The impact of the proposed satellite facility on the local community.

(E) The potential for job creation.

(F) The quality of the physical facilities and the services to be provided at the proposed satellite facility.

(G) Any other factors that the commission considers important or relevant to its decision.

(5) The commission may not issue a license for a satellite facility to be located in a county unless IC 4-31-4 has been satisfied.

(6) Not more than one (1) license may be issued to each permit holder to operate a satellite facility located in a county having a consolidated city. The maximum number of licenses that the commission may issue for satellite facilities to be located in a county having a consolidated city is two (2) licenses.

SECTION 40. IC 4-31-7.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:

Chapter 7.5. Pari-Mutuel Pull Tabs

Sec. 1. (a) This chapter applies only to the sale of pari-mutuel pull tabs by a person who holds a permit to conduct a pari-mutuel horse racing meeting issued under IC 4-31-5.



(b) This chapter does not apply to the sale of pull tabs by a qualified organization (as defined in IC 4-32-6-20) under IC 4-32.

Sec. 2. A pari-mutuel pull tab game must be conducted in the following manner:

(1) Each set of tickets must have a predetermined:

(A) total purchase price; and

(B) amount of prizes.

(2) Randomly ordered pari-mutuel pull tab tickets may be distributed from an approved location or from a distribution device to:

(A) the permit holder at the permit holder's racetrack or satellite facility, or both; or

(B) a terminal or device of the permit holder at the permit holder's racetrack or satellite facility, or both.

(3) A pari-mutuel pull tab ticket must be presented to a player in the form of a paper ticket or display on a terminal or device.

(4) Game results must be initially covered or otherwise concealed from view on the pari-mutuel pull tab ticket or terminal or device so that the number, letter, symbol, or set of numbers, letters, or symbols cannot be seen until the concealing medium is removed.

(5) A winner is identified after the display of the game results when a player removes the concealing medium of the pari-mutuel pull tab ticket or display on a terminal or device.

(6) A winner shall receive the prize posted for the game from the permit holder.

Sec. 3. A person less than twenty-one (21) years of age may not purchase a pari-mutuel pull tab ticket.

Sec. 4. The sale price of a pari-mutuel pull tab ticket may not exceed ten dollars (\$10).

Sec. 5. A person may purchase or redeem a pari-mutuel pull tab ticket only at the following locations:

(1) A live pari-mutuel horse racing facility operated by a permit holder under a recognized meeting permit first issued before January 1, 2001.

(2) A satellite facility located in a county having a consolidated city and operated by a permit holder described in subdivision (1).

(3) A satellite facility located in a county having a consolidated city and operated by a permit holder who is first issued a recognized meeting permit after December 31, 2000.



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1 **Sec. 6. The number and size of the prizes in a pari-mutuel pull**
 2 **tab game must be finite, but may not be limited.**

3 **Sec. 7. A list of prizes for winning pari-mutuel pull tab tickets**
 4 **must be posted at a location where the tickets are sold.**

5 **Sec. 8. A permit holder may close a pari-mutuel pull tab game**
 6 **at any time.**

7 **Sec. 9. A terminal or device selling pari-mutuel pull tab tickets**
 8 **may be operated by a player without the assistance of the permit**
 9 **holder for the sale and redemption of pari-mutuel pull tab tickets.**

10 **Sec. 10. A terminal or device selling pari-mutuel pull tab tickets**
 11 **may not dispense coins or currency as prizes for winning tickets.**
 12 **Prizes awarded by a terminal or device must be in the form of**
 13 **credits for additional play or certificates redeemable for cash or**
 14 **prizes.**

15 **Sec. 11. (a) A tax is imposed on the adjusted gross receipts**
 16 **received from the sale of pari-mutuel pull tabs authorized under**
 17 **this article at the rate of twenty percent (20%) of the amount of the**
 18 **adjusted gross receipts.**

19 **(b) The permit holder shall remit the tax imposed by this section**
 20 **to the department before the close of the business day following the**
 21 **day the pari-mutuel pull tabs are sold.**

22 **(c) The department may require payment under this section to**
 23 **be made by electronic funds transfer (as defined in IC 4-8.1-2-7(e)).**

24 **(d) If the department requires taxes to be remitted under this**
 25 **chapter through electronic funds transfer, the department may**
 26 **allow the permit holder to file a monthly report to reconcile the**
 27 **amounts remitted to the department.**

28 **(e) The department may allow taxes remitted under this section**
 29 **to be reported on the same form used for taxes paid under**
 30 **IC 4-31-9.**

31 **Sec. 12. The state pari-mutuel surplus fund is established.**
 32 **Money in the fund does not revert to the state general fund at the**
 33 **end of the state fiscal year.**

34 **Sec. 13. Before the fifteenth day of each month, taxes collected**
 35 **under this chapter during the preceding month shall be distributed**
 36 **as follows:**

37 **(1) Twenty-five percent (25%) of the tax revenue collected**
 38 **under this chapter shall be distributed in equal shares to the**
 39 **following:**

40 **(A) The fiscal officer of the county in which a racetrack**
 41 **where pull tabs are sold is located to be distributed as**
 42 **follows:**

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(i) One-third (1/3) to be distributed to the fiscal officer of the city in which the racetrack is located.

(ii) One-third (1/3) to be retained by the fiscal officer of the county.

(iii) One-third (1/3) to be distributed in equal shares to a county having a population of more than twenty-one thousand (21,000) but less than twenty-two thousand (22,000), a county having a population of more than one hundred twelve thousand (112,000) but less than one hundred twenty-five thousand (125,000), and a county having a population of more than twenty-seven thousand (27,000) but less than twenty-seven thousand three hundred (27,300).

(B) The fiscal officer of a county having a consolidated city.

(C) The fiscal officer of a county having a population of more than eighteen thousand three hundred (18,300) but less than eighteen thousand five hundred (18,500) to be distributed as follows:

(i) Thirty percent (30%) distributed to the fiscal officer of a town having a population of more than two thousand eighty-five (2,085) but less than three thousand (3,000) located in the county.

(ii) Ten percent (10%) to be distributed to the tourism commission of a town described in item (i).

(iii) Twenty-five percent (25%) to be distributed to the fiscal officer of a town having a population of more than six hundred (600) but less than seven hundred (700) located in the county.

(iv) Five percent (5%) to be distributed to the tourism commission of a town described in item (iii).

(v) Thirty percent (30%) to be retained by the fiscal officer of the county.

(2) Seventy-five percent (75%) of the tax revenue collected under this chapter shall be deposited in the state pari-mutuel surplus fund.

Sec. 14. (a) As used in this section, "property" means a building, structure, or land.

(b) Funds shall be distributed from the state pari-mutuel surplus fund as follows:

(1) The first four million dollars (\$4,000,000) deposited in the state pari-mutuel surplus fund shall be appropriated to Historic Landmarks of West Baden for the restoration and



1 maintenance of the West Baden Springs Hotel property.

2 (2) The next two million five hundred thousand dollars
3 (\$2,500,000) deposited in the state pari-mutuel surplus fund
4 shall be appropriated to the Municipal Historic Restoration
5 Commission for the restoration of historic commercial and
6 municipal buildings.

7 (3) After the distributions required in subdivisions (1) and (2),
8 the remainder of the taxes collected shall be distributed to the
9 lottery and gaming surplus account in the build Indiana fund.

10 Sec. 15. The commission shall adopt rules under IC 4-22-2,
11 including emergency rules under IC 4-22-2-37.1, to implement this
12 chapter, including rules that prescribe:

13 (1) an approval process for pari-mutuel pull tab games that
14 require periodic testing by an independent entity under the
15 oversight of the commission to ensure the integrity of the
16 games to the public;

17 (2) a system of internal audit controls;

18 (3) a method of payment for pari-mutuel pull tab prizes that
19 will allow a player to transfer credits from one (1) terminal or
20 device to another;

21 (4) a method of payment for pari-mutuel pull tab prizes that
22 will allow a player to redeem a winning ticket for additional
23 play tickets; and

24 (5) any other procedure or requirement necessary for the
25 efficient and economical operation of the pari-mutuel pull tab
26 games and the convenience of the public.

27 Sec. 16. The commission may assess an administrative fee to a
28 permit holder offering pari-mutuel pull tab games in an amount
29 that will allow the commission to recover all of the commission's
30 costs of administering the pari-mutuel pull tab games.

31 Sec. 17. The commission may not permit the sale of pari-mutuel
32 pull tab tickets at a location described in section 5(1) or (5)(2) of
33 this chapter until:

34 (1) a license has been granted under IC 4-31-5.5-3 to a permit
35 holder for the operation of a satellite facility at a historic
36 resort hotel built before 1930 with at least three hundred
37 (300) sleeping rooms that is located in a county contiguous to
38 Patoka Lake and that has been operated continuously as a
39 hotel at least five (5) out of the last ten (10) years; and

40 (2) the satellite facility described in subsection (1) has
41 commenced operation.

42 Sec. 18. The commission may not permit the sale of pari-mutuel

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pull tab tickets in a county where a riverboat is docked.

SECTION 41. IC 4-31-9-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) **This section does not apply to a racetrack or satellite facility where pari-mutuel pull tab tickets are sold.** At the close of each day on which pari-mutuel wagering is conducted, each permit holder or satellite facility operator shall pay to the department of state revenue a tax equal to twenty cents (\$0.20) for each person who paid an admission charge for the privilege of entering the racetrack grounds or satellite facility on that day. Separate computations shall be made of the number of patrons at each location. If tickets are issued for more than one (1) day, the sum of twenty cents (\$0.20) shall be paid for each person using the ticket on each day that it is used.

(b) Before the fifteenth day of each month, the taxes collected under subsection (a) during the preceding month shall be distributed as follows:

(1) Fifty percent (50%) of the taxes shall be distributed in equal shares to the fiscal officers of:

(A) the city, if any;

(B) the town, if any; and

(C) the county;

in which the racetrack is located. The city, town, or county may use this money as general fund operating revenues.

(2) Fifty percent (50%) of the taxes shall be deposited in the state general fund.

(c) The tax imposed by this section is a listed tax for purposes of IC 6-8.1-1.

SECTION 42. IC 4-31-9-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5.5 (a) **This section applies only to a racetrack or satellite facility where pari-mutuel pull tab tickets are sold. At the close of each day on which pari-mutuel wagering is conducted, each permit holder or satellite facility operator shall pay to the department of state revenue a tax equal to twenty cents (\$0.20) for each person who paid an admission charge for the privilege of entering the racetrack grounds or satellite facility on that day. Separate computations shall be made of the number of patrons at each location. If tickets are issued for more than one (1) day, the sum of twenty cents (\$0.20) shall be paid for each person using the ticket on each day that it is used.**

(b) **At the close of each day on which pari-mutuel wagering is conducted, each permit holder or satellite facility operator shall**



1 pay to the department of state revenue a tax equal to three dollars
 2 (\$3) for each person who paid an admission charge for the
 3 privilege of entering the racetrack grounds or satellite facility on
 4 that day. Separate computations shall be made of the number of
 5 patrons at each location. If tickets are issued for more than one (1)
 6 day, the sum of three dollars (\$3) shall be paid for each person
 7 using the ticket on each day that it is used. The tax imposed under
 8 this subsection is in addition to the tax imposed under subsection
 9 (a).

10 (c) If no admission is charged, the permit holder or satellite
 11 facility operator shall pay a tax equal to three dollars (\$3) for each
 12 patron who is present at the racetrack grounds or satellite facility
 13 at the time a patron count is recorded. Patron counts must be
 14 recorded one (1) hour after the start of each reporting period and
 15 once every two (2) hours thereafter under procedures approved by
 16 the commission. If the racetrack or satellite facility is not open to
 17 the public at the start of the reporting period, patron counts must
 18 be recorded one (1) hour after the racetrack or satellite facility
 19 begins admitting patrons during a reporting period and once every
 20 two (2) hours thereafter under procedures approved by the
 21 commission.

22 (d) Before the fifteenth day of each month, the taxes collected
 23 under subsection (a) during the preceding month shall be
 24 distributed as follows:

25 (1) Fifty percent (50%) of the taxes shall be distributed in
 26 equal shares to the fiscal officers of:

27 (A) the city, if any;

28 (B) the town, if any; and

29 (C) the county;

30 in which the racetrack is located. The city, town, or county
 31 may use this money as general fund operating revenues.

32 (2) Fifty percent (50%) of the taxes shall be deposited in the
 33 state general fund.

34 (e) The taxes imposed by this section are listed taxes for
 35 purposes of IC 6-8.1-1.

36 (f) For purposes of this section, "reporting period" means a
 37 twenty-four (24) increment commencing at 6:00 a.m. on one (1) day
 38 and concluding at 5:59 a.m. the following day.

39 SECTION 43. IC 4-31-11.5 IS ADDED TO THE INDIANA CODE
 40 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2001]:

42 Chapter 11.5. Municipal Historic Restoration Commission



1 **Sec. 1. This chapter applies to a county having a population of**
 2 **more than eighteen thousand three hundred (18,300) but less than**
 3 **eighteen thousand five hundred (18,500).**

4 **Sec. 2. The municipal historic restoration commission is**
 5 **established. The commission consists of three (3) members as**
 6 **follows:**

7 (1) **Two (2) members representing the town described in**
 8 **IC 4-31-7.5-13(1)(C)(i) appointed by the town executive.**

9 (2) **One (1) member representing the county appointed by the**
 10 **county executive.**

11 **Sec. 3. During the year, the municipal historic restoration**
 12 **commission shall disburse funds appropriated under IC 4-31-7.5**
 13 **for the purposes described in IC 4-31-7.5-14(b)(2).**

14 SECTION 44. IC 4-32-1-1 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) This article
 16 applies only to a qualified organization.

17 (b) This article applies only to:

18 (1) bingo events, charity game nights, door prize events, raffle
 19 events, and festivals; and

20 (2) the sale of pull tabs, punchboards, and tip boards at bingo
 21 events, door prize events, raffle events, charity game nights, and
 22 festivals, or on the premises owned or leased by the qualified
 23 organization and regularly used for the activities of the qualified
 24 organization at any time.

25 This article does not apply to **the sale of pari-mutuel pull tabs under**
 26 **IC 4-31-7.5 or any other sale of pull tabs, punchboards, and tip boards.**

27 SECTION 45. IC 4-33-1-1 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. This article applies
 29 only to the following:

30 (1) Counties contiguous to Lake Michigan.

31 (2) Counties contiguous to the Ohio River.

32 ~~(3) Counties contiguous to Patoka Lake.~~

33 SECTION 46. IC 4-33-4-2 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. The commission
 35 shall adopt rules under IC 4-22-2 for the following purposes:

36 (1) Administering this article.

37 (2) Establishing the conditions under which riverboat gambling in
 38 Indiana may be conducted.

39 (3) Providing for the prevention of practices detrimental to the
 40 public interest and providing for the best interests of riverboat
 41 gambling.

42 ~~(4) With respect to riverboats that operate on Patoka Lake, ensuring:~~



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(A) the prevention of practices detrimental to the natural environment and scenic beauty of Patoka Lake; and

(B) compliance by licensees and riverboat patrons with the requirements of IC 14-26-2-5 and IC 14-28-1.

(5) (4) Establishing rules concerning inspection of riverboats and the review of the permits or licenses necessary to operate a riverboat.

(6) (5) Imposing penalties for noncriminal violations of this article.

SECTION 47. IC 4-33-4-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 15. The commission shall annually do the following:

(1) Review the patterns of wagering and wins and losses by persons on riverboat gambling operations under this article.

(2) Make recommendations to the governor and the general assembly concerning whether limits on wagering losses should be imposed.

(3) ~~Examine the impact on the natural environment and scenic beauty of Patoka Lake made by the navigation and docking of riverboats.~~

SECTION 48. IC 4-33-6-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 19. (a) This section applies to:

(1) a county contiguous to the Ohio River; **and**

(2) ~~a county contiguous to Patoka Lake; and~~

(3) ~~a county contiguous to Lake Michigan that has a population of less than four hundred thousand (400,000).~~

(b) Notwithstanding any other provision of this article, the commission may not issue a license under this article to allow a riverboat to operate in the county unless the voters of the county have approved the conducting of gambling games on riverboats in the county.

(c) If the docking of a riverboat in the county is approved by an ordinance adopted under section 18 of this chapter, or if at least the number of the registered voters of the county required under IC 3-8-6-3 for a petition to place a candidate on the ballot sign a petition submitted to the circuit court clerk requesting that a local public question concerning riverboat gaming be placed on the ballot, the county election board shall place the following question on the ballot in the county during the next general election:

"Shall licenses be issued to permit riverboat gambling in ____ County?"

(d) A public question under this section shall be placed on the ballot in accordance with IC 3-10-9 and must be certified in accordance with

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1 IC 3-10-9-3.

2 (e) The clerk of the circuit court of a county holding an election
3 under this chapter shall certify the results determined under
4 IC 3-12-4-9 to the commission and the department of state revenue.

5 (f) If a public question under this section is placed on the ballot in
6 a county and the voters of the county do not vote in favor of permitting
7 riverboat gambling under this article, a second public question under
8 this section may not be held in that county for at least two (2) years. If
9 the voters of the county vote to reject riverboat gambling a second time,
10 a third or subsequent public question under this section may not be
11 held in that county until the general election held during the tenth year
12 following the year that the previous public question was placed on the
13 ballot.

14 SECTION 49. IC 4-33-12-6 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6. (a) The department
16 shall place in the state general fund the tax revenue collected under this
17 chapter.

18 (b) ~~Except as provided by subsection (c),~~ The treasurer of state shall
19 quarterly pay the following amounts:

20 (1) One dollar (\$1) of the admissions tax collected by the licensed
21 owner for each person embarking on a riverboat during the
22 quarter shall be paid to:

23 (A) the city in which the riverboat is docked, if the city:

24 (i) is described in IC 4-33-6-1(a)(1) through
25 IC 4-33-6-1(a)(4) or in IC 4-33-6-1(b); or

26 (ii) is contiguous to the Ohio River and is the largest city in
27 the county; and

28 (B) the county in which the riverboat is docked, if the
29 riverboat is not docked in a city described in clause (A).

30 (2) One dollar (\$1) of the admissions tax collected by the licensed
31 owner for each person embarking on a riverboat during the
32 quarter shall be paid to the county in which the riverboat is
33 docked. In the case of a county described in subdivision (1)(B),
34 this one dollar (\$1) is in addition to the one dollar (\$1) received
35 under subdivision (1)(B).

36 (3) Ten cents (\$0.10) of the admissions tax collected by the
37 licensed owner for each person embarking on a riverboat during
38 the quarter shall be paid to the county convention and visitors
39 bureau or promotion fund for the county in which the riverboat is
40 docked.

41 (4) Fifteen cents (\$0.15) of the admissions tax collected by the
42 licensed owner for each person embarking on a riverboat during

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a quarter shall be paid to the state fair commission, for use in any activity that the commission is authorized to carry out under IC 15-1.5-3.

(5) Ten cents (\$0.10) of the admissions tax collected by the licensed owner for each person embarking on a riverboat during the quarter shall be paid to the division of mental health. The division shall allocate at least twenty-five percent (25%) of the funds derived from the admissions tax to the prevention and treatment of compulsive gambling.

(6) Sixty-five cents (\$0.65) of the admissions tax collected by the licensed owner for each person embarking on a riverboat during the quarter shall be paid to the Indiana horse racing commission to be distributed as follows, in amounts determined by the Indiana horse racing commission, for the promotion and operation of horse racing in Indiana:

(A) To one (1) or more breed development funds established by the Indiana horse racing commission under IC 4-31-11-10.

(B) To a racetrack that was approved by the Indiana horse racing commission under IC 4-31. The commission may make a grant under this clause only for purses, promotions, and routine operations of the racetrack. No grants shall be made for long term capital investment or construction and no grants shall be made before the racetrack becomes operational and is offering a racing schedule. **If a permit holder sells pulltabs at a racetrack or satellite facility, the maximum amount that the commission may grant for routine operations of the permit holder's racetrack is equal to the sum of the following:**

(i) the total amount granted under this section to the racetrack in calendar year 2000; minus

(ii) the total adjusted gross receipts reported under IC 4-31-7.5-11 for the twelve (12) months immediately preceding the date on which the grant is distributed.

(c) With respect to tax revenue collected from a riverboat that operates on Patoka Lake, the treasurer of state shall quarterly pay the following amounts:

(1) The counties described in IC 4-33-1-1(3) shall receive one dollar (\$1) of the admissions tax collected for each person embarking on the riverboat during the quarter. This amount shall be divided equally among the counties described in IC 4-33-1-1(3).

(2) The Patoka Lake development account established under



1 IC 4-33-15 shall receive one dollar (\$1) of the admissions tax
 2 collected for each person embarking on the riverboat during the
 3 quarter:

4 (3) The resource conservation and development program that:

5 (A) is established under ~~16 U.S.C. 3451 et seq.~~; and

6 (B) serves the Patoka Lake area;

7 shall receive forty cents (\$0.40) of the admissions tax collected
 8 for each person embarking on the riverboat during the quarter:

9 (4) The state general fund shall receive fifty cents (\$0.50) of the
 10 admissions tax collected for each person embarking on the
 11 riverboat during the quarter:

12 (5) The division of mental health shall receive ten cents (\$0.10)
 13 of the admissions tax collected for each person embarking on the
 14 riverboat during the quarter. The division shall allocate at least
 15 twenty-five percent (25%) of the funds derived from the
 16 admissions tax to the prevention and treatment of compulsive
 17 gambling:

18 ~~(d)~~ (c) Money paid to a unit of local government under subsection
 19 (b)(1) through (b)(2): ~~or subsection (c)(1):~~

20 (1) must be paid to the fiscal officer of the unit and may be
 21 deposited in the unit's general fund or riverboat fund established
 22 under IC 36-1-8-9, or both;

23 (2) may not be used to reduce the unit's maximum or actual levy
 24 under IC 6-1.1-18.5; and

25 (3) may be used for any legal or corporate purpose of the unit,
 26 including the pledge of money to bonds, leases, or other
 27 obligations under IC 5-1-14-4.

28 ~~(e)~~ (d) Money paid by the treasurer of state under subsection (b)(3)
 29 shall be:

30 (1) deposited in:

31 (A) the county convention and visitor promotion fund; or

32 (B) the county's general fund if the county does not have a
 33 convention and visitor promotion fund; and

34 (2) used only for the tourism promotion, advertising, and
 35 economic development activities of the county and community.

36 ~~(f)~~ (e) Money received by the division of mental health under
 37 ~~subsections subsection (b)(5): and (e)(5):~~

38 (1) is annually appropriated to the division of mental health;

39 (2) shall be distributed to the division of mental health at times
 40 during each state fiscal year determined by the budget agency;
 41 and

42 (3) shall be used by the division of mental health for programs



and facilities for the prevention and treatment of addictions to drugs, alcohol, and compulsive gambling, including the creation and maintenance of a toll free telephone line to provide the public with information about these addictions. The division shall allocate at least twenty-five percent (25%) of the money received to the prevention and treatment of compulsive gambling.

SECTION 50. IC 4-33-13-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. After funds are appropriated under section 4 of this chapter, each month the treasurer of state shall distribute the tax revenue deposited in the state gaming fund under this chapter to the following:

(1) Twenty-five percent (25%) of the tax revenue remitted by each licensed owner shall be paid:

(A) to the city that is designated as the home dock of the riverboat from which the tax revenue was collected, in the case of a city described in IC 4-33-12-6(b)(1)(A); **or**

~~(B) in equal shares to the counties described in IC 4-33-1-1(3); in the case of a riverboat whose home dock is on Patoka Lake;~~
or

~~(C) (B) to the county that is designated as the home dock of the riverboat from which the tax revenue was collected, in the case of a riverboat whose home dock is not in a city described in clause (A); or a county described in clause (B); and~~

(2) Seventy-five percent (75%) of the tax revenue remitted by each licensed owner shall be paid to the build Indiana fund lottery and gaming surplus account.

SECTION 51. IC 6-8.1-1-1, AS AMENDED BY P.L.181-1999, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. "Listed taxes" or "taxes" includes only the pari-mutuel taxes (**IC 4-31-7.5-11 and IC 4-31-9-3 through IC 4-31-9-5 IC 4-31-9-5.5**); the riverboat admissions tax (IC 4-33-12); the riverboat wagering tax (IC 4-33-13); the gross income tax (IC 6-2.1); the state gross retail and use taxes (IC 6-2.5); the adjusted gross income tax (IC 6-3); the supplemental net income tax (IC 6-3-8); the county adjusted gross income tax (IC 6-3.5-1.1); the county option income tax (IC 6-3.5-6); the county economic development income tax (IC 6-3.5-7); the auto rental excise tax (IC 6-6-9); the bank tax (IC 6-5-10); the savings and loan association tax (IC 6-5-11); the production credit association tax (IC 6-5-12); the financial institutions tax (IC 6-5.5); the gasoline tax (IC 6-6-1.1); the alternative fuel permit fee (IC 6-6-2.1); the special fuel tax (IC 6-6-2.5); the motor carrier fuel tax (IC 6-6-4.1); a motor fuel tax collected under a reciprocal



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agreement under IC 6-8.1-3; the motor vehicle excise tax (IC 6-6-5); the commercial vehicle excise tax (IC 6-6-5.5); the hazardous waste disposal tax (IC 6-6-6.6); the cigarette tax (IC 6-7-1); the beer excise tax (IC 7.1-4-2); the liquor excise tax (IC 7.1-4-3); the wine excise tax (IC 7.1-4-4); the hard cider excise tax (IC 7.1-4-4.5); the malt excise tax (IC 7.1-4-5); the petroleum severance tax (IC 6-8-1); the various innkeeper's taxes (IC 6-9); the various county food and beverage taxes (IC 6-9); the county admissions tax (IC 6-9-13 and IC 6-9-28); the oil inspection fee (IC 16-44-2); the emergency and hazardous chemical inventory form fee (IC 6-6-10); the penalties assessed for oversize vehicles (IC 9-20-3 and IC 9-30); the fees and penalties assessed for overweight vehicles (IC 9-20-4 and IC 9-30); the underground storage tank fee (IC 13-23); the solid waste management fee (IC 13-20-22); and any other tax or fee that the department is required to collect or administer.

SECTION 52. IC 35-45-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 7. This chapter does not apply to the publication or broadcast of an advertisement, a list of prizes, or other information concerning:

- (1) pari-mutuel wagering on horse races or a lottery authorized by the law of any state; ~~or~~
- (2) a game of chance operated in accordance with IC 4-32; **or**
- (3) a pari-mutuel pull tab game operated in accordance with IC 4-31-7.5.**

SECTION 53. IC 35-45-5-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 11. This chapter does not apply to the sale of pari-mutuel pull tab tickets authorized by IC 4-31-7.5.**

SECTION 54. [EFFECTIVE UPON PASSAGE] (a) **The Indiana horse racing commission shall adopt the emergency rules required under IC 4-31-7.5-15, as added by this act, before September 1, 2001.**

(b) This SECTION expires December 31, 2001.

SECTION 55. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2001]: IC 4-33-4-19; IC 4-33-15.

SECTION 56. IC 4-33-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. The commission may not issue an owner's license under this chapter to a person if:

- (1) the person has been convicted of a felony under Indiana law, the laws of any other state, or laws of the United States;
- (2) the person has knowingly or intentionally submitted an application for a license under this chapter that contains false



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information;

(3) the person is a member of the commission;

(4) the person is an officer, a director, or a managerial employee of a person described in subdivision (1) or (2);

(5) the person employs an individual who:

(A) is described in subdivision (1), (2), or (3); and

(B) participates in the management or operation of gambling operations authorized under this article;

(6) the person owns an ownership interest of more than ~~ten percent (10%)~~ **in more than one (1) other person holding an owner's license issued under the total amount of ownership interests permitted under section 3.5 of this chapter;** or

(7) a license issued to the person:

(A) under this article; or

(B) to own or operate gambling facilities in another jurisdiction;

has been revoked.

SECTION 57. IC 4-33-6-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2001]: **Sec. 3.5. A person may own up to a one hundred percent (100%) interest in each of two (2) owner's licenses issued under this chapter.**

SECTION 58. [EFFECTIVE UPON PASSAGE] **Notwithstanding any other law, a riverboat located in a county contiguous to the Ohio River may not be connected in any way to a non-navigational barge, vessel, platform, or other structure.**

SECTION 59. **An emergency is declared for this act.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, Ethics and Veterans Affairs, to which was referred House Bill 1729, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning gaming and to make an appropriation.

Page 2, strike lines 11 through 15.

Page 2, line 22, delete "enhance programs for the prevention and".

Page 2, line 23, delete "treatment of problem gambling." and insert **"implement a voluntary exclusion program to be made available upon the request of a riverboat patron."**

Page 2, line 28, delete "include rules to".

Page 2, delete lines 29 through 31.

Page 2, line 32, delete "program. The rules must".

Page 2, between lines 32 and 33, begin a new line block indented and insert:

"(1) That a person who participates in the voluntary exclusion program agrees to refrain from entering a riverboat at any time after the date the person enters the program."

Page 2, line 33, delete "(1)" and insert "(2)".

Page 2, line 34, delete "riverboat" and insert **"all riverboats."**

Page 2, between lines 34 and 35, begin a new line block indented and insert:

"(3) That a person who participates in the voluntary exclusion program may not petition the commission for readmittance onto a riverboat.

(4) That the list of patrons entering the voluntary exclusion program is confidential and may only be disseminated by the commission to the riverboat owners for purposes of enforcement."

Page 2, delete line 35.

Page 2, line 36, delete "(2)" and insert "(5)".

Page 2, line 38, delete "(3)" and insert "(6)".

Page 2, line 39, after "." insert **"However, the voluntary exclusion program does not preclude a riverboat owner from seeking the payment of a debt accrued by a person before entering the program."**

Page 3, line 3, delete "riverboat gambling facilities" and insert **"all riverboats"**.

Page 3, line 36, after "enters" insert **"or attempts to enter"**.

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Page 3, line 36, delete "gambling".

Page 3, line 37, delete "facility".

Page 5, after line 6, begin a new paragraph and insert:

"SECTION 4. IC 5-14-3-4, AS AMENDED BY P.L.37-2000, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) The following public records are excepted from section 3 of this chapter and may not be disclosed by a public agency, unless access to the records is specifically required by a state or federal statute or is ordered by a court under the rules of discovery:

- (1) Those declared confidential by state statute.
- (2) Those declared confidential by rule adopted by a public agency under specific authority to classify public records as confidential granted to the public agency by statute.
- (3) Those required to be kept confidential by federal law.
- (4) Records containing trade secrets.
- (5) Confidential financial information obtained, upon request, from a person. However, this does not include information that is filed with or received by a public agency pursuant to state statute.
- (6) Information concerning research, including actual research documents, conducted under the auspices of an institution of higher education, including information:
 - (A) concerning any negotiations made with respect to the research; and
 - (B) received from another party involved in the research.
- (7) Grade transcripts and license examination scores obtained as part of a licensure process.
- (8) Those declared confidential by or under rules adopted by the supreme court of Indiana.
- (9) Patient medical records and charts created by a provider, unless the patient gives written consent under IC 16-39.
- (10) Application information declared confidential by the twenty-first century research and technology fund board under IC 4-4-5.1.

(b) Except as otherwise provided by subsection (a), the following public records shall be excepted from section 3 of this chapter at the discretion of a public agency:

- (1) Investigatory records of law enforcement agencies. However, certain law enforcement records must be made available for inspection and copying as provided in section 5 of this chapter.
- (2) The work product of an attorney representing, pursuant to state employment or an appointment by a public agency:
 - (A) a public agency;

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- (B) the state; or
- (C) an individual.
- (3) Test questions, scoring keys, and other examination data used in administering a licensing examination, examination for employment, or academic examination before the examination is given or if it is to be given again.
- (4) Scores of tests if the person is identified by name and has not consented to the release of his scores.
- (5) The following:
 - (A) Records relating to negotiations between the department of commerce, the Indiana development finance authority, the film commission, the Indiana business modernization and technology corporation, or economic development commissions with industrial, research, or commercial prospects, if the records are created while negotiations are in progress.
 - (B) Notwithstanding clause (A), the terms of the final offer of public financial resources communicated by the department of commerce, the Indiana development finance authority, the film commission, the Indiana business modernization and technology corporation, or economic development commissions to an industrial, a research, or a commercial prospect shall be available for inspection and copying under section 3 of this chapter after negotiations with that prospect have terminated.
 - (C) When disclosing a final offer under clause (B), the department of commerce shall certify that the information being disclosed accurately and completely represents the terms of the final offer.
- (6) Records that are intra-agency or interagency advisory or deliberative material, including material developed by a private contractor under a contract with a public agency, that are expressions of opinion or are of a speculative nature, and that are communicated for the purpose of decision making.
- (7) Diaries, journals, or other personal notes serving as the functional equivalent of a diary or journal.
- (8) Personnel files of public employees and files of applicants for public employment, except for:
 - (A) the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first and last employment of present or former officers or

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employees of the agency;

(B) information relating to the status of any formal charges against the employee; and

(C) information concerning disciplinary actions in which final action has been taken and that resulted in the employee being disciplined or discharged.

However, all personnel file information shall be made available to the affected employee or his representative. This subdivision does not apply to disclosure of personnel information generally on all employees or for groups of employees without the request being particularized by employee name.

(9) Minutes or records of hospital medical staff meetings.

(10) Administrative or technical information that would jeopardize a recordkeeping or security system.

(11) Computer programs, computer codes, computer filing systems, and other software that are owned by the public agency or entrusted to it and portions of electronic maps entrusted to a public agency by a utility.

(12) Records specifically prepared for discussion or developed during discussion in an executive session under IC 5-14-1.5-6.1. However, this subdivision does not apply to that information required to be available for inspection and copying under subdivision (8).

(13) The work product of the legislative services agency under personnel rules approved by the legislative council.

(14) The work product of individual members and the partisan staffs of the general assembly.

(15) The identity of a donor of a gift made to a public agency if:

(A) the donor requires nondisclosure of his identity as a condition of making the gift; or

(B) after the gift is made, the donor or a member of the donor's family requests nondisclosure.

(16) Library or archival records:

(A) which can be used to identify any library patron; or

(B) deposited with or acquired by a library upon a condition that the records be disclosed only:

(i) to qualified researchers;

(ii) after the passing of a period of years that is specified in the documents under which the deposit or acquisition is made; or

(iii) after the death of persons specified at the time of the acquisition or deposit.

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However, nothing in this subdivision shall limit or affect contracts entered into by the Indiana state library pursuant to IC 4-1-6-8.

(17) The identity of any person who contacts the bureau of motor vehicles concerning the ability of a driver to operate a motor vehicle safely and the medical records and evaluations made by the bureau of motor vehicles staff or members of the driver licensing advisory committee. However, upon written request to the commissioner of the bureau of motor vehicles, the driver must be given copies of the driver's medical records and evaluations that concern the driver.

(18) School safety and security measures, plans, and systems, including emergency preparedness plans developed under 511 IAC 6.1-2-2.5.

(19) Information submitted to the Indiana gaming commission under IC 4-33-8-5.

(c) Notwithstanding section 3 of this chapter, a public agency is not required to create or provide copies of lists of names and addresses, unless the public agency is required to publish such lists and disseminate them to the public pursuant to statute. However, if a public agency has created a list of names and addresses, it must permit a person to inspect and make memoranda abstracts from the lists unless access to the lists is prohibited by law. The following lists of names and addresses may not be disclosed by public agencies to commercial entities for commercial purposes and may not be used by commercial entities for commercial purposes:

- (1) A list of employees of a public agency.
- (2) A list of persons attending conferences or meetings at a state institution of higher education or of persons involved in programs or activities conducted or supervised by the state institution of higher education.
- (3) A list of students who are enrolled in a public school corporation if the governing body of the public school corporation adopts a policy:
 - (A) prohibiting the disclosure of the list to commercial entities for commercial purposes; or
 - (B) specifying the classes or categories of commercial entities to which the list may not be disclosed or by which the list may not be used for commercial purposes.

A policy adopted under subdivision (3) must be uniform and may not discriminate among similarly situated commercial entities.

(d) Nothing contained in subsection (b) shall limit or affect the right

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of a person to inspect and copy a public record required or directed to be made by any statute or by any rule of a public agency.

(e) Notwithstanding any other law, a public record that is classified as confidential, other than a record concerning an adoption, shall be made available for inspection and copying seventy-five (75) years after the creation of that record.

(f) Notwithstanding subsection (e) and section 7 of this chapter:

- (1) public records subject to IC 5-15 may be destroyed only in accordance with record retention schedules under IC 5-15; or
- (2) public records not subject to IC 5-15 may be destroyed in the ordinary course of business.

SECTION 5. IC 4-33-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. **(a)** A person who knowingly or intentionally:

- (1) makes a false statement on an application submitted under this article;
- (2) operates a gambling excursion in which wagering is conducted or is to be conducted in a manner other than the manner required under this article;
- (3) permits a person less than twenty-one (21) years of age to make a wager;
- (4) **aids, induces, or causes a person less than twenty-one (21) years of age who is not an employee of the riverboat gambling operation to enter or attempt to enter a riverboat; or**
- (5) wagers or accepts a wager at a location other than a riverboat; or
- ~~(5) makes a false statement on an application submitted to the commission under this article;~~

commits a Class A misdemeanor.

(b) A person who:

- (1) is not an employee of the riverboat gambling operation;**
- (2) is less than twenty-one (21) years of age; and**
- (3) knowingly or intentionally enters or attempts to enter a riverboat;**

commits a Class A misdemeanor.

SECTION 6. IC 34-24-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. **(a)** If a person suffers a pecuniary loss as a result of a violation of IC 35-43, IC 35-42-3-3, IC 35-42-3-4, or IC 35-45-9, the person may bring a civil action against the person who caused the loss for the following:

- (1) Except as provided in subsection (b),** an amount not to exceed three (3) times the actual damages of the person suffering

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the loss.

(2) The costs of the action.

(3) A reasonable attorney's fee.

(4) Actual travel expenses that are not otherwise reimbursed under subdivisions (1) through (3) and are incurred by the person suffering loss to:

(A) have the person suffering loss or an employee or agent of that person file papers and attend court proceedings related to the recovery of a judgment under this chapter; or

(B) provide witnesses to testify in court proceedings related to the recovery of a judgment under this chapter.

(5) A reasonable amount to compensate the person suffering loss for time used to:

(A) file papers and attend court proceedings related to the recovery of a judgment under this chapter; or

(B) travel to and from activities described in clause (A).

(6) Actual direct and indirect expenses incurred by the person suffering loss to compensate employees and agents for time used to:

(A) file papers and attend court proceedings related to the recovery of a judgment under this chapter; or

(B) travel to and from activities described in clause (A).

(7) All other reasonable costs of collection.

(b) The owner of a riverboat licensed under IC 4-33, or the owner's assignee, who suffers pecuniary loss as the result of a violation of IC 35-43-5-5 is entitled to an amount that may not exceed the actual damages resulting from the violation of IC 35-43-5-5. In addition, the owner or the owner's assignee is entitled to the amounts described in subsection (a)(2) through (a)(7).

SECTION 7. IC 4-33-2-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 5.5. "Continuously moored vessel" means a vessel formerly self-propelled that previously cruised navigable waters but has now been determined by the United States Coast Guard to be continuously docked and removed from navigation.**

SECTION 8. IC 4-33-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 7. "Dock" means the location where an excursion a riverboat moors for the purpose of embarking passengers for and disembarking passengers from a gambling excursion: the riverboat.**

SECTION 9. IC 4-33-2-15.5 IS ADDED TO THE INDIANA CODE



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AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 15.5. "Patron" means an individual who:**

- (1) boards a riverboat; and**
- (2) is not entitled to receive a tax free pass.**

SECTION 10. IC 4-33-2-15.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 15.7. "Permanently moored vessel" means a vessel out of navigation mounted on a floating platform.**

SECTION 11. IC 4-33-2-16.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 16.3. "Regulatory and review agency" means any United States classification society or its agents recognized by the United States Secretary of Transportation under authority of 46 U.S.C. 3316 to conduct inspections, make examinations of, and issue certificates for vessels of the United States.**

SECTION 12. IC 4-33-2-16.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 16.5. "Reporting period" means a twenty-four (24) hour increment used by the department to assess taxes under this article commencing at 6:00 a.m. on one (1) day and concluding at 5:59 a.m. the following day.**

SECTION 13. IC 4-33-2-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 17. "Riverboat" means a self-propelled excursion boat permanently or continuously moored vessel located in a county described in IC 4-33-1-1 on which lawful gambling is authorized and licensed under this article.**

SECTION 14. IC 4-33-4-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 13. (a) After consulting with the United States Army Corps of Engineers, The commission may do the following:**

- (1) Determine the waterways that are navigable waterways for purposes of this article.**
- (2) determine the navigable waterways that are suitable locations for the operation of riverboats under this article.**
- (b) In determining the navigable waterways on which riverboats may operate, be located, the commission shall do the following:**
 - (1) Obtain any required approvals from the United States Army Corps of Engineers for the operation docking of riverboats on those waterways.**
 - (2) Consider the economic benefit that riverboat gambling**



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provides to Indiana.

(3) Seek to ensure that all regions of Indiana share in the economic benefits of riverboat gambling.

~~(4) Considering IC 14-26-2-6, IC 14-26-2-7, and IC 14-28-1, conduct a feasibility study concerning:~~

~~(A) the environmental impact of the navigation and docking of riverboats upon Patoka Lake; and~~

~~(B) the impact of the navigation and docking of riverboats upon the scenic beauty of Patoka Lake.~~

SECTION 15. IC 4-33-4-21.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 21.2. (a) The Indiana gaming commission shall require a licensed owner to conspicuously display the number of the toll free telephone line described in IC 4-33-12-6 in the following locations:

(1) On each admission ticket to a riverboat, ~~gambling excursion:~~ **if tickets are issued.**

(2) On a poster or placard that is on display in a public area of each riverboat where gambling games are conducted.

(b) The toll free telephone line described in IC 4-33-12-6 must be:

(1) maintained by the division of mental health under IC 12-23-1-6; and

(2) funded by the addiction services fund established by IC 12-23-2-2.

(c) The commission may adopt rules under IC 4-22-2 necessary to carry out this section.

SECTION 16. IC 4-33-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) The commission may issue to a person a license to own ~~one (1)~~ a riverboat subject to the numerical and geographical limitation of owner's licenses under this section, **section 3.5 of this chapter**, and IC 4-33-4-17. However, not more than ~~eleven (11)~~ **ten (10)** owner's licenses may be in effect at any time. Except as provided in subsection (b), those ~~eleven (11)~~ **ten (10)** licenses are as follows:

(1) Two (2) licenses for a riverboat that ~~operates from~~ **is docked in** the largest city located in the counties described under IC 4-33-1-1(1).

(2) One (1) license for a riverboat that ~~operates from~~ **is docked in** the second largest city located in the counties described under IC 4-33-1-1(1).

(3) One (1) license for a riverboat that ~~operates from~~ **is docked in** the third largest city located in the counties described under IC 4-33-1-1(1).



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(4) One (1) license for a city located in the counties described under IC 4-33-1-1(1). This license may not be issued to a city described in subdivisions (1) through (3).

(5) A total of five (5) licenses for riverboats that ~~operate upon~~ **are docked in** the Ohio River ~~from at~~ counties described under IC 4-33-1-1(2). The commission may not issue a license to an applicant if the issuance of the license would result in more than one (1) riverboat ~~operating from~~ **docking in** a county described in IC 4-33-1-1(2).

~~(6) One (1) license for a riverboat that operates upon Patoka Lake from a county described under IC 4-33-1-1(3):~~

(b) If a city described in subsection (a)(2) or (a)(3) conducts two (2) elections under section 20 of this chapter, and the voters of the city do not vote in favor of permitting riverboat gambling at either of those elections, the license assigned to that city under subsection (a)(2) or (a)(3) may be issued to any city that:

(1) does not already have a riverboat operating ~~from in~~ the city; and

(2) is located in a county described in IC 4-33-1-1(1).

SECTION 17. IC 4-33-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) In determining whether to grant an owner's license to an applicant, the commission shall consider the following:

(1) The character, reputation, experience, and financial integrity of the following:

(A) The applicant.

(B) A person that:

(i) directly or indirectly controls the applicant; or

(ii) is directly or indirectly controlled by the applicant or by a person that directly or indirectly controls the applicant.

(2) The facilities or proposed facilities for the conduct of riverboat gambling.

(3) The highest prospective total revenue to be collected by the state from the conduct of riverboat gambling.

(4) The good faith affirmative action plan of each applicant to recruit, train, and upgrade minorities in all employment classifications.

(5) The financial ability of the applicant to purchase and maintain adequate liability and casualty insurance.

(6) If the applicant has adequate capitalization to provide and maintain a riverboat for the duration of the license.

(7) The extent to which the applicant exceeds or meets other

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standards adopted by the commission.

(b) In an application for an owner's license, the applicant must submit to the commission a proposed design of the riverboat and the dock. ~~The commission may not grant a license to an applicant if the commission determines that it will be difficult or unlikely for the riverboat to depart from the dock.~~

SECTION 18. IC 4-33-6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. In an application for an owner's license, the applicant must state the dock at which the riverboat is based and the ~~navigable~~ waterway on which the riverboat will operate.

SECTION 19. IC 4-33-6-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 9. (a) A licensed owner must post a bond with the commission at least sixty (60) days before the commencement of **regular gambling on the** riverboat. ~~excursions.~~

(b) The bond shall be furnished in:

- (1) cash or negotiable securities;
- (2) a surety bond:
 - (A) with a surety company approved by the commission; and
 - (B) guaranteed by a satisfactory guarantor; or
- (3) an irrevocable letter of credit issued by a banking institution of Indiana acceptable to the commission.

(c) If a bond is furnished in cash or negotiable securities, the principal shall be placed without restriction at the disposal of the commission, but income inures to the benefit of the licensee.

(d) The bond:

- (1) is subject to the approval of the commission;
- (2) must be in an amount that the commission determines will adequately reflect the amount that a local community will expend for infrastructure and other facilities associated with a riverboat operation; and
- (3) must be payable to the commission as obligee for use in payment of the licensed owner's financial obligations to the local community, the state, and other aggrieved parties, as determined by the rules of the commission.

(e) If after a hearing (after at least five (5) days written notice) the commission determines that the amount of a licensed owner's bond is insufficient, the licensed owner shall upon written demand of the commission file a new bond.

(f) The commission may require a licensed owner to file a new bond with a satisfactory surety in the same form and amount if:

- (1) liability on the old bond is discharged or reduced by judgment



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rendered, payment made, or otherwise; or

(2) in the opinion of the commission any surety on the old bond becomes unsatisfactory.

(g) If a new bond obtained under subsection (e) or (f) is unsatisfactory, the commission shall cancel the owner's license. If the new bond is satisfactorily furnished, the commission shall release in writing the surety on the old bond from any liability accruing after the effective date of the new bond.

(h) A bond is released on the condition that the licensed owner remains at the site for which the owner's license is granted for the lesser of:

(1) five (5) years; or

(2) the date the commission grants a license to another licensed owner to operate from the site for which the bond was posted.

(i) A licensed owner who does not meet the requirements of subsection (h) forfeits a bond filed under this section. The proceeds of a bond that is in default under this subsection are paid to the commission for the benefit of the local unit from which the riverboat operated.

(j) The total and aggregate liability of the surety on a bond is limited to the amount specified in the bond and the continuous nature of the bond may in no event be construed as allowing the liability of the surety under a bond to accumulate for each successive approval period during which the bond is in force.

(k) A bond filed under this section is released sixty (60) days after:

(1) the time has run under subsection (h); and

(2) a written request is submitted by the licensed owner.

SECTION 20. IC 4-33-6-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 10. (a) An owner's license issued under this chapter permits the holder to own and operate one (1) riverboat and equipment for each license.

(b) An owner's license issued under this chapter permits the holder to conduct gambling games authorized under this article while the riverboat is docked and to allow the continuous ingress and egress of passengers for purposes of gambling.

(c) An owner's license issued under this chapter must specify the place where the riverboat must operate and dock. However, the commission may permit the riverboat to dock at a temporary dock in the applicable city for a specific period of time not to exceed one (1) year after the owner's license is issued.

~~(c)~~ (d) An owner's initial license expires five (5) years after the effective date of the license.

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SECTION 21. IC 4-33-6-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 11. The commission may revoke an owner's license if:

- (1) the licensee begins regular ~~riverboat excursions~~ **operations** more than twelve (12) months after receiving the commission's approval of the application for the license; and
- (2) the commission determines that the revocation of the license is in the best interests of Indiana.

SECTION 22. IC 4-33-10-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. An action to prosecute a crime occurring during a gambling ~~excursion on a riverboat~~ shall be tried in the county of the dock where the riverboat is ~~based~~ **located**.

SECTION 23. IC 4-33-12-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. **(a)** A tax is imposed on admissions to ~~gambling excursions a riverboat~~ authorized under this article at a rate of three dollars (\$3) for each ~~person admitted to the gambling excursion~~ **patron who is on board at the time a passenger count is recorded**.

(b) Passenger counts must be recorded one (1) hour after the start of each reporting period and once every two (2) hours thereafter under procedures approved by the commission.

(c) If the riverboat's schedule as approved by the commission does not provide for the riverboat to be open to the public at the start of the reporting period, passenger counts must be recorded one (1) hour after the riverboat begins admitting patrons during a reporting period and once every two (2) hours thereafter under procedures approved by the commission.

(d) This admission tax is imposed upon the licensed owner conducting the gambling ~~excursion~~ **operation**.

SECTION 24. IC 4-33-16 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:

Chapter 16. Riverboat Safety Standards

Sec. 1. A riverboat that does not have a valid certificate of inspection from the United States Coast Guard to carry at least five hundred (500) passengers is required to meet the following safety standards:

- (1)** The fire safety standards contained in the National Fire Protection Association, NFPA Standard 307, Standard for the Construction and Fire Protection of Marine Terminals, Piers, and Wharfs.



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(2) The NFPA Life Safety Code.

Sec. 2. (a) A stability test shall be conducted by the licensee in accordance with 46 CFR, subchapter S, part 170, subpart F. This test shall be witnessed by the American Bureau of Shipping, or another regulatory and review agency or private contractor designated by the commission. Instead of a stability test, the licensee may elect to perform a deadweight survey to determine the lightweight displacement and longitudinal center of gravity. The vertical center of gravity shall be determined by a conservative estimate, subject to approval by the American Bureau of Shipping or another regulatory and review agency designated by the commission.

(b) The intact stability characteristics for each riverboat must comply with the following criteria:

- (1)** 46 CFR 170.160.
- (2)** 46 CFR 170.170.
- (3)** 46 CFR 170.173.
- (4)** 46 CFR 171.050.

Instead of compliance with 46 CFR 170.173, the licensee may elect to comply with alternate criteria for vessels of unusual proportion and form, as may be acceptable at that time to the United States Coast Guard, for certified passenger vessels.

(c) A riverboat must comply with one (1) compartment standard of flooding, as outlined in 46 CFR 171.070, regardless of the passenger capacity of the riverboat.

(d) A riverboat must comply with the damage stability standards set forth in 46 CFR 171.080 and the requirements for stability after damage (damaging righting energy criteria) as may be acceptable at that time to the United States Coast Guard, for certified passenger vessels. All stability calculations required by this subsection shall be furnished by the licensee to the American Bureau of Shipping or another regulatory and review agency designated by the commission, for review and approval by that agency. All riverboats must have a letter from the designated agency stating compliance with this criteria.

Sec. 3. (a) A riverboat must undergo an inspection before licensure and annually thereafter by a regulatory and review agency resulting in a finding of safety and suitability for its intended purpose.

(b) A riverboat must:

- (1)** have approved by the commission before licensure and annually thereafter a plan for firefighting and the protection



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and evacuation of personnel; and

(2) have a staff sufficiently trained as required to execute the plan.

(c) A riverboat shall comply with standards for safety, design, construction, inspection, survey, and moorings of permanently moored or continuously moored riverboats submitted by a regulatory and review agency and approved by the commission.

SECTION 25. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2001]: IC 4-33-2-8; IC 4-33-4-10; IC 4-33-4-20; IC 4-33-6-6; IC 4-33-9-2; IC 4-33-9-3; IC 4-33-9-14; IC 4-33-12-2.

SECTION 26. IC 4-33-1-1.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 1.1. In addition to the counties described in section 1 of this chapter, this article applies to a county having a population of more than eighteen thousand three hundred (18,300) but less than eighteen thousand five hundred (18,500).**

SECTION 27. IC 4-33-6-19.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 19.5. (a) This section applies to a county having a population of more than eighteen thousand three hundred (18,300) but less than eighteen thousand five hundred (18,500).**

(b) In addition to the licenses authorized under section 1 of this chapter, the commission may issue only one (1) license under this section to allow a riverboat to operate in the county from:

(1) a town having a population of more than two thousand eighty-five (2,085) but less than three thousand (3,000) located in the county; or

(2) a town having a population of more than six hundred (600) but less than seven hundred (700) located in the county.

(c) The commission may not issue a license under this article to allow a riverboat to operate from a town described in subsection (b) in the county unless the voters of the town have approved gambling on riverboats in the county.

(d) If at least the number of the registered voters of the town required under IC 3-8-6-3 for a petition to place a candidate on the ballot sign a petition submitted to the clerk of the circuit court requesting that a local public question concerning riverboat gambling be placed on the ballot, the county election board shall place the following question on the ballot in the town described in subsection (b) during the next primary or general election or a special election held under this section:



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"Shall a license be issued to allow riverboat gambling in the town of _____?"

(e) A public question under this section shall be placed on the ballot in accordance with IC 3-10-9.

(f) If a public question is placed on the ballot under this section and the voters of the town do not vote in favor of allowing riverboat gambling under IC 4-33, another public question regarding riverboat gambling may not be held in the town for at least two (2) years.

(g) In a special election held under this section:

(1) IC 3 applies, except as otherwise provided in this section; and

(2) at least as many precinct polling places that were used in the town described in subsection (b) during the most recent municipal election must be used for the special election.

(h) The clerk of the circuit court of a county holding an election under this section shall certify the results determined under IC 3-12-4-9 to the commission and the department of state revenue.

SECTION 28. IC 4-33-10-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. (a) This section applies only to property given after June 30, 1996.

(b) The definitions in IC 3-5-2 apply to this section to the extent they do not conflict with the definitions in this article.

(c) As used in this section, "license" means:

(1) an owner's license issued under this article; or

(2) a supplier's license issued under this article to a supplier of gaming supplies or equipment, including electronic gaming equipment.

(d) As used in this section, "licensee" means a person who holds a license.

(e) As used in this section, "officer" refers only to either of the following:

(1) An individual listed as an officer of a corporation in the corporation's most recent annual report.

(2) An individual who is a successor to an individual described in subdivision (1).

(f) For purposes of this section, a person is considered to have an interest in a licensee if the person satisfies any of the following:

(1) The person holds at least a one percent (1%) interest in the licensee.

(2) The person is an officer of the licensee.

(3) The person is an officer of a person that holds at least a one

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percent (1%) interest in the licensee.

(4) The person is a political action committee of the licensee.

(g) A licensee or a person with an interest in a licensee may not give any property (as defined in IC 35-41-1-23) to a member of a precinct committee to induce the member of the precinct committee to do any act or refrain from doing any act with respect to the approval of a local public question under IC 4-33-6-19 or **IC 4-33-6-19.5**.

(h) A person who knowingly or intentionally violates this section commits a Class D felony.

SECTION 29. IC 4-33-12-6.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 6.1. (a) This section applies only to a riverboat licensed to operate in a county described in IC 4-33-1-1.1.**

(b) Notwithstanding section 6 of this chapter, the treasurer of state shall distribute the admissions tax collected by the licensed owner for each person embarking on the riverboat during the quarter as follows:

(1) Ninety cents (\$0.90) shall be paid to a town having a population of more than two thousand eighty-five (2,085) but less than three thousand (3,000) located in the county.

(2) Eighty cents (\$0.80) shall be paid to the county.

(3) Thirty cents (\$0.30) shall be paid to a town having a population of more than six hundred (600) but less than seven hundred (700) located in the county.

(4) Forty cents (\$0.40) shall be paid to the tourism commission of a town having a population of more than two thousand eighty-five (2,085) but less than three thousand (3,000) located in the county.

(5) Forty cents (\$0.40) shall be paid to the tourism commission of a town having a population of more than six hundred (600) but less than seven hundred (700) located in the county.

(6) Ten cents (\$0.10) shall be paid to a county having a population of more than thirty-six thousand (36,000) but less than thirty-six thousand seven hundred (36,700).

(7) Five cents (\$0.05) shall be paid to a town located in the county having a population of more than three thousand five hundred (3,500) but less than four thousand (4,000).

(8) Five cents (\$0.05) shall be paid to a town located in the county having a population of more than two thousand (2,000) but less than two thousand eighty-five (2,085).

(c) Money paid to a unit of local government under subsection

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(b):

- (1) must be paid to the fiscal officer of the unit and may be deposited in the unit's general fund or riverboat fund established under IC 36-1-8-9, or both; and
- (2) may be used for any legal or corporate purpose of the unit, including the pledge of money to bonds, leases, or other obligations under IC 5-1-14-4.

SECTION 30. IC 4-33-13-5.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 5.1. (a) This section applies only to a riverboat licensed to operate in a county described in IC 4-33-1-1.1.**

(b) Notwithstanding section 5 of this chapter, twenty-five percent (25%) of the tax revenue remitted by the licensed owner under this chapter shall be paid as follows:

- (1) Thirty percent (30%) to a town described in IC 4-33-6-19.5(b)(1).
- (2) Thirty percent (30%) to the county.
- (3) Twenty-five percent (25%) to a town described in IC 4-33-6-19.5(b)(2).
- (4) Ten percent (10%) to the tourism commission of a town described in IC 4-33-6-19.5(b)(1).
- (5) Five percent (5%) to the tourism commission of a town described in IC 4-33-6-19.5(b)(2).

(c) Seventy-five percent (75%) of the tax revenue remitted by the licensed owner under this chapter shall be paid to the build Indiana fund lottery and gaming surplus account.

SECTION 31. IC 4-33-17 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 17. County Gaming Development Commission

Sec. 1. (a) This chapter applies to a county having a population of more than eighteen thousand three hundred (18,300) but less than eighteen thousand five hundred (18,500).

(b) This chapter applies if the voters of either:

- (1) the town described in IC 4-33-6-19.5(b)(1); or
- (2) the town described in IC 4-33-6-19.5(b)(2);

approve a riverboat operating in the county in a public question held under IC 4-33-6-19.5.

Sec. 2. The county gaming development commission is established. The commission consists of three (3) members as follows:

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- (1) One (1) member representing the town described in IC 4-33-6-19.5(b)(1) appointed by the town executive.
- (2) One (1) member representing the town described in IC 4-33-6-19.5(b)(2) appointed by the town executive.
- (3) One (1) member representing the county appointed by the board of county commissioners.

Sec. 3. The county gaming development commission shall designate a site for a riverboat licensed under this article to operate in the county not more than one hundred eighty (180) days after the formation of the county gaming development commission. The decision of the gaming development commission is final. The gaming development commission shall report its decision to the Indiana gaming commission.

Sec. 4. The county gaming development commission shall consider the following locations within the county for the site of a riverboat licensed under this article:

- (1) Land located in the town described in IC 4-33-6-19.5(b)(1).
- (2) Land located in the town described in IC 4-33-6-19.5(b)(2).

Sec. 5. (a) Before designating a site, the county gaming development commission, in consultation with the Indiana gaming commission, shall conduct a survey and study on the suitability of various areas of the towns described in section 4 of this chapter for riverboat development. The county gaming development commission shall hold a public hearing on the sites considered for possible riverboat development. At the public hearing, the county gaming development commission shall provide the following information:

- (1) A map of each site.
- (2) A description of the buildings and improvements located on the site.
- (3) An explanation by the county gaming development commission of the advantages and disadvantages of each site.
- (b) Citizens, taxpayers, and interested parties may present questions and testimony at the hearing held under subsection (a).
- (c) Notice of the hearing held under subsection (a) must be given in accordance with IC 5-3-1. The notice must state the following:
 - (1) The date, time, and place of the hearing.
 - (2) That the county gaming development commission will meet to discuss and hear testimony concerning the selection of a proposed site for a riverboat licensed under this article.
- (d) At the conclusion of the hearing or at a later meeting, the county gaming development commission shall determine whether



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a site discussed at the hearing held under subsection (a) or any other site shall be further studied. After making a determination concerning further study, the county gaming development commission shall adopt a resolution tentatively selecting a site for designation under section 3 of this chapter. The county gaming development commission shall then hold a hearing at which a tentatively selected site is designated under section 3 of this chapter. The county gaming development commission shall give notice of the hearing in accordance with IC 5-3-1. The notice must state the following:

- (1) The date, time, and place of the hearing.
- (2) The location of the tentatively selected site that is under consideration for designation under section 3 of this chapter.
- (3) That the description and study of the site described in subdivision (2) will be available for public inspection before the hearing held under this subsection.

(e) Citizens, taxpayers, and interested parties may present questions and testimony at the hearing held under subsection (d).

(f) At the conclusion of a hearing held under subsection (d) or at a later meeting, the county gaming development commission shall adopt a resolution designating a site for riverboat development. The county gaming development commission shall certify the resolution adopted under this section to the Indiana gaming commission not more than five (5) days after the adoption of the resolution.

Sec. 6. The Indiana gaming commission shall act upon the designation of the county gaming development commission not more than thirty (30) days after the receipt of the certified resolution adopted under section 5 of this chapter.

SECTION 32. IC 4-31-4-1.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1.3. (a) This section does not apply to a person who satisfies all of the following:

- (1) The person was issued a satellite facility license before January 2, 1996.
- (2) The person operated a satellite facility before January 2, 1996.
- (3) The person is currently operating the satellite facility under the license.

(b) **This subsection does not apply to a county having a population of more than eighteen thousand three hundred (18,300) but less than eighteen thousand five hundred (18,500).** A person may not operate under a satellite facility license unless both of the following apply:

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(1) The county fiscal body of the county in which the satellite facility will be operated has adopted an ordinance under section 2.5 of this chapter.

(2) The person secures a license under IC 4-31-5.5.

(c) This subsection applies only to a county having a population of more than eighteen thousand three hundred (18,300) but less than eighteen thousand five hundred (18,500). A person may not operate under a satellite facility license unless both of the following apply:

(1) The town fiscal body of the town in which the satellite facility will be operated has adopted an ordinance under section 2.6 of this chapter.

(2) The person secures a license under IC 4-31-5.5.

SECTION 33. IC 4-31-4-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2.5. (a) **This section does not apply to a county having a population of more than eighteen thousand three hundred (18,300) but less than eighteen thousand five hundred (18,500).**

(b) A county fiscal body may adopt an ordinance permitting the filing of applications under IC 4-31-5.5 for operation of a satellite facility in the county. However, before adopting the ordinance, the county fiscal body must:

- (1) conduct a public hearing on the proposed ordinance; and
- (2) publish notice of the public hearing in the manner prescribed by IC 5-3-1.

~~(b)~~ **(c)** The county fiscal body may:

- (1) require in the ordinance adopted by the county fiscal body that before applications under IC 4-31-5.5 to operate a satellite facility in the county may be filed, the voters of the county must approve the operation of a satellite facility in the county under section 3 of this chapter; or
- (2) amend an ordinance already adopted in the county to require that before applications under IC 4-31-5.5 to operate a satellite facility in the county may be filed, the voters of the county must approve the operation of a satellite facility in the county under section 3 of this chapter.

An ordinance adopted under this section may not be amended to apply to a person who was issued a license under IC 4-31-5.5 before the ordinance was amended.

SECTION 34. IC 4-31-4-2.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 2.6. (a) This section applies only to a town having a**



population of more than two thousand eighty-five (2,085) but less than three thousand (3,000) that is located in a county having a population of more than eighteen thousand three hundred (18,300) but less than eighteen thousand five hundred (18,500).

(b) The town fiscal body may adopt an ordinance permitting the filing of applications under IC 4-31-5.5 for operation of a satellite facility in the town. However, before adopting the ordinance, the town fiscal body must:

- (1) conduct a public hearing on the proposed ordinance; and
- (2) publish notice of the public hearing in the manner prescribed by IC 5-3-1.

SECTION 35. IC 4-31-4-2.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2.7. (a) This section does not apply to either of the following:

- (1) A permit holder who satisfies all of the following:
 - (A) The permit holder was issued a permit before January 2, 1996.
 - (B) The permit holder conducted live racing before January 2, 1996.
 - (C) The permit holder is currently operating under the permit.
- (2) A person who satisfies all of the following:
 - (A) The person was issued a satellite facility license before January 2, 1996.
 - (B) The person operated a satellite facility before January 2, 1996.
 - (C) The person is currently operating the satellite facility under the license.

(3) An applicant for a license to operate a satellite facility in a town described in section 2.6 of this chapter.

(b) This section applies only if either of the following apply:

- (1) The recognized meeting permit is for conducting a horse racing meeting on public property.
- (2) The satellite facility license is for operating a satellite facility on public property.

(c) As used in this section, "public property" refers to real property owned by, or not more than two (2) years before issuance of the permit or license any interest in which is transferred by, any of the following:

- (1) The federal government.
- (2) The state.
- (3) A political subdivision (as defined in IC 36-1-2-13).
- (4) An agency or instrumentality of an entity described in subdivision (1), (2), or (3).



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(d) Notwithstanding any other provision of this article, the commission may not do either of the following:

- (1) Issue a recognized meeting permit under IC 4-31-5 to allow the conducting of or the assisting of the conducting of a horse racing meeting unless the voters of the county in which the public property is located have approved the conducting of recognized meetings in the county.
- (2) Issue a satellite facility license under IC 4-31-5.5 unless the voters of the county in which the public property is located have approved the operation of a satellite facility in the county.

SECTION 36. IC 4-31-7.5-19 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 19. (a) This section applies to a satellite facility located in a town having a population of more than two thousand eighty-five (2,085) but less than three thousand (3,000) that is located in a county having a population of more than eighteen thousand three hundred (18,300) but less than eighteen thousand five hundred (18,500).**

(b) Notwithstanding any other provision of this chapter, the satellite facility described in subsection (a) may sell or redeem pari-mutuel pull tab tickets under this chapter.

SECTION 37. IC 4-31-2-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 1.5. "Adjusted gross receipts" means:**

- (1) the total of all cash and property (including checks received by a permit holder or satellite facility operator whether collected or not), received by a permit holder or satellite facility operator from pari-mutuel pull tab sales; minus**
- (2) the total of:**
 - (A) all cash paid out as winnings for pari-mutuel pull tabs to patrons; and**
 - (B) uncollectible pari-mutuel pull tab receivables, not to exceed the lesser of:**
 - (i) a reasonable provision for uncollectible patron checks received from pari-mutuel pull tab sales; or**
 - (ii) two percent (2%) of the total of all sums, including checks, whether collected or not, less the amount paid out as winnings for pari-mutuel pull tabs to patrons.**

For purposes of this section, a counter or personal check that is invalid or unenforceable under this article is considered cash received by the permit holder or satellite facility operator from

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pari-mutuel pull tab sales.

SECTION 38. IC 4-31-2-11.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 11.5. "Pari-mutuel pull tab" means a game offered to the public in which those persons who purchase a ticket have the opportunity to share in a prize pool, multiple prize pools, or a shared prize pool consisting of the total amount wagered in the game minus deductions by the permit holder or satellite facility operator selling the pari-mutuel pull tab and other deductions either permitted or required by law.**

SECTION 39. IC 4-31-5.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) As used in this section, "live racing day" means a day on which at least eight (8) live horse races are conducted.

(b) The commission's authority to issue satellite facility licenses is subject to the following conditions:

(1) The commission may issue four (4) satellite facility licenses to each permit holder that:

(A) conducts at least one hundred twenty (120) live racing days per year at the racetrack designated in the permit holder's permit; and

(B) meets the other requirements of this chapter and the rules adopted under this chapter.

If a permit holder that operates satellite facilities does not meet the required minimum number of live racing days, the permit holder may not operate the permit holder's satellite facilities during the following year. However, the requirement for one hundred twenty (120) live racing days does not apply if the commission determines that the permit holder is prevented from conducting live horse racing as a result of a natural disaster or other event over which the permit holder has no control. In addition, if the initial racing meeting conducted by a permit holder commences at such a time as to make it impractical to conduct one hundred twenty (120) live racing days during the permit holder's first year of operations, the commission may authorize the permit holder to conduct simulcast wagering during the first year of operations with fewer than one hundred twenty (120) live racing days.

(2) Each proposed satellite facility must be covered by a separate application. The timing for filing an initial application for a satellite facility license shall be established by the rules of the commission.

(3) A satellite facility must:

(A) have full dining service available;



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- (B) have multiple screens to enable each patron to view simulcast races; and
 - (C) be designed to seat comfortably a minimum of four hundred (400) persons.
- (4) In determining whether a proposed satellite facility should be approved, the commission shall consider the following:
- (A) The purposes and provisions of this chapter.
 - (B) The public interest.
 - (C) The impact of the proposed satellite facility on live racing.
 - (D) The impact of the proposed satellite facility on the local community.
 - (E) The potential for job creation.
 - (F) The quality of the physical facilities and the services to be provided at the proposed satellite facility.
 - (G) Any other factors that the commission considers important or relevant to its decision.

(5) The commission may not issue a license for a satellite facility to be located in a county unless IC 4-31-4 has been satisfied.

(6) Not more than one (1) license may be issued to each permit holder to operate a satellite facility located in a county having a consolidated city. The maximum number of licenses that the commission may issue for satellite facilities to be located in a county having a consolidated city is two (2) licenses.

SECTION 40. IC 4-31-7.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:

Chapter 7.5. Pari-Mutuel Pull Tabs

Sec. 1. (a) This chapter applies only to the sale of pari-mutuel pull tabs by a person who holds a permit to conduct a pari-mutuel horse racing meeting issued under IC 4-31-5.

(b) This chapter does not apply to the sale of pull tabs by a qualified organization (as defined in IC 4-32-6-20) under IC 4-32.

Sec. 2. A pari-mutuel pull tab game must be conducted in the following manner:

- (1) Each set of tickets must have a predetermined:**
 - (A) total purchase price; and**
 - (B) amount of prizes.**
- (2) Randomly ordered pari-mutuel pull tab tickets may be distributed from an approved location or from a distribution device to:**
 - (A) the permit holder at the permit holder's racetrack or satellite facility, or both; or**



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(B) a terminal or device of the permit holder at the permit holder's racetrack or satellite facility, or both.

(3) A pari-mutuel pull tab ticket must be presented to a player in the form of a paper ticket or display on a terminal or device.

(4) Game results must be initially covered or otherwise concealed from view on the pari-mutuel pull tab ticket or terminal or device so that the number, letter, symbol, or set of numbers, letters, or symbols cannot be seen until the concealing medium is removed.

(5) A winner is identified after the display of the game results when a player removes the concealing medium of the pari-mutuel pull tab ticket or display on a terminal or device.

(6) A winner shall receive the prize posted for the game from the permit holder.

Sec. 3. A person less than twenty-one (21) years of age may not purchase a pari-mutuel pull tab ticket.

Sec. 4. The sale price of a pari-mutuel pull tab ticket may not exceed ten dollars (\$10).

Sec. 5. A person may purchase or redeem a pari-mutuel pull tab ticket only at the following locations:

(1) A live pari-mutuel horse racing facility operated by a permit holder under a recognized meeting permit first issued before January 1, 2001.

(2) A satellite facility located in a county having a consolidated city and operated by a permit holder described in subdivision (1).

(3) A satellite facility located in a county having a consolidated city and operated by a permit holder who is first issued a recognized meeting permit after December 31, 2000.

Sec. 6. The number and size of the prizes in a pari-mutuel pull tab game must be finite, but may not be limited.

Sec. 7. A list of prizes for winning pari-mutuel pull tab tickets must be posted at a location where the tickets are sold.

Sec. 8. A permit holder may close a pari-mutuel pull tab game at any time.

Sec. 9. A terminal or device selling pari-mutuel pull tab tickets may be operated by a player without the assistance of the permit holder for the sale and redemption of pari-mutuel pull tab tickets.

Sec. 10. A terminal or device selling pari-mutuel pull tab tickets may not dispense coins or currency as prizes for winning tickets. Prizes awarded by a terminal or device must be in the form of

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credits for additional play or certificates redeemable for cash or prizes.

Sec. 11. (a) A tax is imposed on the adjusted gross receipts received from the sale of pari-mutuel pull tabs authorized under this article at the rate of twenty percent (20%) of the amount of the adjusted gross receipts.

(b) The permit holder shall remit the tax imposed by this section to the department before the close of the business day following the day the pari-mutuel pull tabs are sold.

(c) The department may require payment under this section to be made by electronic funds transfer (as defined in IC 4-8.1-2-7(e)).

(d) If the department requires taxes to be remitted under this chapter through electronic funds transfer, the department may allow the permit holder to file a monthly report to reconcile the amounts remitted to the department.

(e) The department may allow taxes remitted under this section to be reported on the same form used for taxes paid under IC 4-31-9.

Sec. 12. The state pari-mutuel surplus fund is established. Money in the fund does not revert to the state general fund at the end of the state fiscal year.

Sec. 13. Before the fifteenth day of each month, taxes collected under this chapter during the preceding month shall be distributed as follows:

(1) Twenty-five percent (25%) of the tax revenue collected under this chapter shall be distributed in equal shares to the following:

(A) The fiscal officer of the county in which a racetrack where pull tabs are sold is located to be distributed as follows:

(i) One-third (1/3) to be distributed to the fiscal officer of the city in which the racetrack is located.

(ii) One-third (1/3) to be retained by the fiscal officer of the county.

(iii) One-third (1/3) to be distributed in equal shares to a county having a population of more than twenty-one thousand (21,000) but less than twenty-two thousand (22,000), a county having a population of more than one hundred twelve thousand (112,000) but less than one hundred twenty-five thousand (125,000), and a county having a population of more than twenty-seven thousand (27,000) but less than twenty-seven thousand three



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hundred (27,300).

(B) The fiscal officer of a county having a consolidated city.

(C) The fiscal officer of a county having a population of more than eighteen thousand three hundred (18,300) but less than eighteen thousand five hundred (18,500) to be distributed as follows:

(i) Thirty percent (30%) distributed to the fiscal officer of a town having a population of more than two thousand eighty-five (2,085) but less than three thousand (3,000) located in the county.

(ii) Ten percent (10%) to be distributed to the tourism commission of a town described in item (i).

(iii) Twenty-five percent (25%) to be distributed to the fiscal officer of a town having a population of more than six hundred (600) but less than seven hundred (700) located in the county.

(iv) Five percent (5%) to be distributed to the tourism commission of a town described in item (iii).

(v) Thirty percent (30%) to be retained by the fiscal officer of the county.

(2) Seventy-five percent (75%) of the tax revenue collected under this chapter shall be deposited in the state pari-mutuel surplus fund.

Sec. 14. (a) As used in this section, "property" means a building, structure, or land.

(b) Funds shall be distributed from the state pari-mutuel surplus fund as follows:

(1) The first four million dollars (\$4,000,000) deposited in the state pari-mutuel surplus fund shall be appropriated to Historic Landmarks of West Baden for the restoration and maintenance of the West Baden Springs Hotel property.

(2) The next two million five hundred thousand dollars (\$2,500,000) deposited in the state pari-mutuel surplus fund shall be appropriated to the Municipal Historic Restoration Commission for the restoration of historic commercial and municipal buildings.

(3) After the distributions required in subdivisions (1) and (2), the remainder of the taxes collected shall be distributed to the lottery and gaming surplus account in the build Indiana fund.

Sec. 15. The commission shall adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to implement this chapter, including rules that prescribe:



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- (1) an approval process for pari-mutuel pull tab games that require periodic testing by an independent entity under the oversight of the commission to ensure the integrity of the games to the public;
- (2) a system of internal audit controls;
- (3) a method of payment for pari-mutuel pull tab prizes that will allow a player to transfer credits from one (1) terminal or device to another;
- (4) a method of payment for pari-mutuel pull tab prizes that will allow a player to redeem a winning ticket for additional play tickets; and
- (5) any other procedure or requirement necessary for the efficient and economical operation of the pari-mutuel pull tab games and the convenience of the public.

Sec. 16. The commission may assess an administrative fee to a permit holder offering pari-mutuel pull tab games in an amount that will allow the commission to recover all of the commission's costs of administering the pari-mutuel pull tab games.

Sec. 17. The commission may not permit the sale of pari-mutuel pull tab tickets at a location described in section 5(1) or (5)(2) of this chapter until:

- (1) a license has been granted under IC 4-31-5.5-3 to a permit holder for the operation of a satellite facility at a historic resort hotel built before 1930 with at least three hundred (300) sleeping rooms that is located in a county contiguous to Patoka Lake and that has been operated continuously as a hotel at least five (5) out of the last ten (10) years; and
- (2) the satellite facility described in subsection (1) has commenced operation.

Sec. 18. The commission may not permit the sale of pari-mutuel pull tab tickets in a county where a riverboat is docked.

SECTION 41. IC 4-31-9-5 IS AMENDED TO READ AS FOLLOWS[EFFECTIVE JULY 1, 2001]: Sec. 5. (a) **This section does not apply to a racetrack or satellite facility where pari-mutuel pull tab tickets are sold.** At the close of each day on which pari-mutuel wagering is conducted, each permit holder or satellite facility operator shall pay to the department of state revenue a tax equal to twenty cents (\$0.20) for each person who paid an admission charge for the privilege of entering the racetrack grounds or satellite facility on that day. Separate computations shall be made of the number of patrons at each location. If tickets are issued for more than one (1) day, the sum of twenty cents (\$0.20) shall be paid for each person using the ticket on



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each day that it is used.

(b) Before the fifteenth day of each month, the taxes collected under subsection (a) during the preceding month shall be distributed as follows:

(1) Fifty percent (50%) of the taxes shall be distributed in equal shares to the fiscal officers of:

- (A) the city, if any;
- (B) the town, if any; and
- (C) the county;

in which the racetrack is located. The city, town, or county may use this money as general fund operating revenues.

(2) Fifty percent (50%) of the taxes shall be deposited in the state general fund.

(c) The tax imposed by this section is a listed tax for purposes of IC 6-8.1-1.

SECTION 42. IC 4-31-9-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 5.5 (a) This section applies only to a racetrack or satellite facility where pari-mutuel pull tab tickets are sold. At the close of each day on which pari-mutuel wagering is conducted, each permit holder or satellite facility operator shall pay to the department of state revenue a tax equal to twenty cents (\$0.20) for each person who paid an admission charge for the privilege of entering the racetrack grounds or satellite facility on that day. Separate computations shall be made of the number of patrons at each location. If tickets are issued for more than one (1) day, the sum of twenty cents (\$0.20) shall be paid for each person using the ticket on each day that it is used.**

(b) At the close of each day on which pari-mutuel wagering is conducted, each permit holder or satellite facility operator shall pay to the department of state revenue a tax equal to three dollars (\$3) for each person who paid an admission charge for the privilege of entering the racetrack grounds or satellite facility on that day. Separate computations shall be made of the number of patrons at each location. If tickets are issued for more than one (1) day, the sum of three dollars (\$3) shall be paid for each person using the ticket on each day that it is used. The tax imposed under this subsection is in addition to the tax imposed under subsection (a).

(c) If no admission is charged, the permit holder or satellite facility operator shall pay a tax equal to three dollars (\$3) for each patron who is present at the racetrack grounds or satellite facility



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at the time a patron count is recorded. Patron counts must be recorded one (1) hour after the start of each reporting period and once every two (2) hours thereafter under procedures approved by the commission. If the racetrack or satellite facility is not open to the public at the start of the reporting period, patron counts must be recorded one (1) hour after the racetrack or satellite facility begins admitting patrons during a reporting period and once every two (2) hours thereafter under procedures approved by the commission.

(d) Before the fifteenth day of each month, the taxes collected under subsection (a) during the preceding month shall be distributed as follows:

(1) Fifty percent (50%) of the taxes shall be distributed in equal shares to the fiscal officers of:

(A) the city, if any;

(B) the town, if any; and

(C) the county;

in which the racetrack is located. The city, town, or county may use this money as general fund operating revenues.

(2) Fifty percent (50%) of the taxes shall be deposited in the state general fund.

(e) The taxes imposed by this section are listed taxes for purposes of IC 6-8.1-1.

(f) For purposes of this section, "reporting period" means a twenty-four (24) increment commencing at 6:00 a.m. on one (1) day and concluding at 5:59 a.m. the following day.

SECTION 43. IC 4-31-11.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:

Chapter 11.5. Municipal Historic Restoration Commission

Sec. 1. This chapter applies to a county having a population of more than eighteen thousand three hundred (18,300) but less than eighteen thousand five hundred (18,500).

Sec. 2. The municipal historic restoration commission is established. The commission consists of three (3) members as follows:

(1) Two (2) members representing the town described in IC 4-31-7.5-13(1)(C)(i) appointed by the town executive.

(2) One (1) member representing the county appointed by the county executive.

Sec. 3. During the year, the municipal historic restoration commission shall disburse funds appropriated under IC 4-31-7.5



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for the purposes described in IC 4-31-7.5-14(b)(2).

SECTION 44. IC 4-32-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) This article applies only to a qualified organization.

(b) This article applies only to:

- (1) bingo events, charity game nights, door prize events, raffle events, and festivals; and
- (2) the sale of pull tabs, punchboards, and tip boards at bingo events, door prize events, raffle events, charity game nights, and festivals, or on the premises owned or leased by the qualified organization and regularly used for the activities of the qualified organization at any time.

This article does not apply to **the sale of pari-mutuel pull tabs under IC 4-31-7.5** or any other sale of pull tabs, punchboards, and tip boards.

SECTION 45. IC 4-33-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. This article applies only to the following:

- (1) Counties contiguous to Lake Michigan.
- (2) Counties contiguous to the Ohio River.
- ~~(3) Counties contiguous to Patoka Lake.~~

SECTION 46. IC 4-33-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. The commission shall adopt rules under IC 4-22-2 for the following purposes:

- (1) Administering this article.
- (2) Establishing the conditions under which riverboat gambling in Indiana may be conducted.
- (3) Providing for the prevention of practices detrimental to the public interest and providing for the best interests of riverboat gambling.

- ~~(4) With respect to riverboats that operate on Patoka Lake, ensuring:~~
 - ~~(A) the prevention of practices detrimental to the natural environment and scenic beauty of Patoka Lake; and~~
 - ~~(B) compliance by licensees and riverboat patrons with the requirements of IC 14-26-2-5 and IC 14-28-1.~~

~~(5)~~ (4) Establishing rules concerning inspection of riverboats and the review of the permits or licenses necessary to operate a riverboat.

~~(6)~~ (5) Imposing penalties for noncriminal violations of this article.

SECTION 47. IC 4-33-4-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 15. The commission shall annually do the following:

- (1) Review the patterns of wagering and wins and losses by persons on riverboat gambling operations under this article.



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(2) Make recommendations to the governor and the general assembly concerning whether limits on wagering losses should be imposed.

~~(3) Examine the impact on the natural environment and scenic beauty of Patoka Lake made by the navigation and docking of riverboats.~~

SECTION 48. IC 4-33-6-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 19. (a) This section applies to:

(1) a county contiguous to the Ohio River; **and**

(2) ~~a county contiguous to Patoka Lake; and~~

~~(3) a county contiguous to Lake Michigan that has a population of less than four hundred thousand (400,000).~~

(b) Notwithstanding any other provision of this article, the commission may not issue a license under this article to allow a riverboat to operate in the county unless the voters of the county have approved the conducting of gambling games on riverboats in the county.

(c) If the docking of a riverboat in the county is approved by an ordinance adopted under section 18 of this chapter, or if at least the number of the registered voters of the county required under IC 3-8-6-3 for a petition to place a candidate on the ballot sign a petition submitted to the circuit court clerk requesting that a local public question concerning riverboat gaming be placed on the ballot, the county election board shall place the following question on the ballot in the county during the next general election:

"Shall licenses be issued to permit riverboat gambling in ____ County?".

(d) A public question under this section shall be placed on the ballot in accordance with IC 3-10-9 and must be certified in accordance with IC 3-10-9-3.

(e) The clerk of the circuit court of a county holding an election under this chapter shall certify the results determined under IC 3-12-4-9 to the commission and the department of state revenue.

(f) If a public question under this section is placed on the ballot in a county and the voters of the county do not vote in favor of permitting riverboat gambling under this article, a second public question under this section may not be held in that county for at least two (2) years. If the voters of the county vote to reject riverboat gambling a second time, a third or subsequent public question under this section may not be held in that county until the general election held during the tenth year following the year that the previous public question was placed on the

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ballot.

SECTION 49. IC 4-33-12-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6. (a) The department shall place in the state general fund the tax revenue collected under this chapter.

(b) ~~Except as provided by subsection (c);~~ The treasurer of state shall quarterly pay the following amounts:

(1) One dollar (\$1) of the admissions tax collected by the licensed owner for each person embarking on a riverboat during the quarter shall be paid to:

(A) the city in which the riverboat is docked, if the city:

(i) is described in IC 4-33-6-1(a)(1) through IC 4-33-6-1(a)(4) or in IC 4-33-6-1(b); or

(ii) is contiguous to the Ohio River and is the largest city in the county; and

(B) the county in which the riverboat is docked, if the riverboat is not docked in a city described in clause (A).

(2) One dollar (\$1) of the admissions tax collected by the licensed owner for each person embarking on a riverboat during the quarter shall be paid to the county in which the riverboat is docked. In the case of a county described in subdivision (1)(B), this one dollar (\$1) is in addition to the one dollar (\$1) received under subdivision (1)(B).

(3) Ten cents (\$0.10) of the admissions tax collected by the licensed owner for each person embarking on a riverboat during the quarter shall be paid to the county convention and visitors bureau or promotion fund for the county in which the riverboat is docked.

(4) Fifteen cents (\$0.15) of the admissions tax collected by the licensed owner for each person embarking on a riverboat during a quarter shall be paid to the state fair commission, for use in any activity that the commission is authorized to carry out under IC 15-1.5-3.

(5) Ten cents (\$0.10) of the admissions tax collected by the licensed owner for each person embarking on a riverboat during the quarter shall be paid to the division of mental health. The division shall allocate at least twenty-five percent (25%) of the funds derived from the admissions tax to the prevention and treatment of compulsive gambling.

(6) Sixty-five cents (\$0.65) of the admissions tax collected by the licensed owner for each person embarking on a riverboat during the quarter shall be paid to the Indiana horse racing commission

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to be distributed as follows, in amounts determined by the Indiana horse racing commission, for the promotion and operation of horse racing in Indiana:

(A) To one (1) or more breed development funds established by the Indiana horse racing commission under IC 4-31-11-10.

(B) To a racetrack that was approved by the Indiana horse racing commission under IC 4-31. The commission may make a grant under this clause only for purses, promotions, and routine operations of the racetrack. No grants shall be made for long term capital investment or construction and no grants shall be made before the racetrack becomes operational and is offering a racing schedule. **If a permit holder sells pulltabs at a racetrack or satellite facility, the maximum amount that the commission may grant for routine operations of the permit holder's racetrack is equal to the sum of the following:**

(i) the total amount granted under this section to the racetrack in calendar year 2000; minus

(ii) the total adjusted gross receipts reported under IC 4-31-7.5-11 for the twelve (12) months immediately preceding the date on which the grant is distributed.

(c) With respect to tax revenue collected from a riverboat that operates on Patoka Lake, the treasurer of state shall quarterly pay the following amounts:

(1) The counties described in IC 4-33-1-1(3) shall receive one dollar (\$1) of the admissions tax collected for each person embarking on the riverboat during the quarter. This amount shall be divided equally among the counties described in IC 4-33-1-1(3).

(2) The Patoka Lake development account established under IC 4-33-15 shall receive one dollar (\$1) of the admissions tax collected for each person embarking on the riverboat during the quarter.

(3) The resource conservation and development program that:

(A) is established under 16 U.S.C. 3451 et seq.; and

(B) serves the Patoka Lake area;

shall receive forty cents (\$0.40) of the admissions tax collected for each person embarking on the riverboat during the quarter.

(4) The state general fund shall receive fifty cents (\$0.50) of the admissions tax collected for each person embarking on the riverboat during the quarter.

(5) The division of mental health shall receive ten cents (\$0.10)



of the admissions tax collected for each person embarking on the riverboat during the quarter. The division shall allocate at least twenty-five percent (25%) of the funds derived from the admissions tax to the prevention and treatment of compulsive gambling.

~~(d)~~ (c) Money paid to a unit of local government under subsection (b)(1) through (b)(2): ~~or subsection (c)(1):~~

- (1) must be paid to the fiscal officer of the unit and may be deposited in the unit's general fund or riverboat fund established under IC 36-1-8-9, or both;
- (2) may not be used to reduce the unit's maximum or actual levy under IC 6-1.1-18.5; and
- (3) may be used for any legal or corporate purpose of the unit, including the pledge of money to bonds, leases, or other obligations under IC 5-1-14-4.

~~(e)~~ (d) Money paid by the treasurer of state under subsection (b)(3) shall be:

- (1) deposited in:
 - (A) the county convention and visitor promotion fund; or
 - (B) the county's general fund if the county does not have a convention and visitor promotion fund; and
- (2) used only for the tourism promotion, advertising, and economic development activities of the county and community.

~~(f)~~ (e) Money received by the division of mental health under ~~subsections subsection (b)(5): and (e)(5):~~

- (1) is annually appropriated to the division of mental health;
- (2) shall be distributed to the division of mental health at times during each state fiscal year determined by the budget agency; and
- (3) shall be used by the division of mental health for programs and facilities for the prevention and treatment of addictions to drugs, alcohol, and compulsive gambling, including the creation and maintenance of a toll free telephone line to provide the public with information about these addictions. The division shall allocate at least twenty-five percent (25%) of the money received to the prevention and treatment of compulsive gambling.

SECTION 50. IC 4-33-13-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. After funds are appropriated under section 4 of this chapter, each month the treasurer of state shall distribute the tax revenue deposited in the state gaming fund under this chapter to the following:

- (1) Twenty-five percent (25%) of the tax revenue remitted by



each licensed owner shall be paid:

(A) to the city that is designated as the home dock of the riverboat from which the tax revenue was collected, in the case of a city described in IC 4-33-12-6(b)(1)(A); **or**

~~(B) in equal shares to the counties described in IC 4-33-1-1(3); in the case of a riverboat whose home dock is on Patoka Lake;~~
or

~~(C)~~ **(B)** to the county that is designated as the home dock of the riverboat from which the tax revenue was collected, in the case of a riverboat whose home dock is not in a city described in clause (A); **or a county described in clause (B);** and

(2) Seventy-five percent (75%) of the tax revenue remitted by each licensed owner shall be paid to the build Indiana fund lottery and gaming surplus account.

SECTION 51. IC 6-8.1-1-1, AS AMENDED BY P.L.181-1999, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. "Listed taxes" or "taxes" includes only the pari-mutuel taxes **(IC 4-31-7.5-11 and IC 4-31-9-3 through IC 4-31-9-5 IC 4-31-9-5.5)**; the riverboat admissions tax (IC 4-33-12); the riverboat wagering tax (IC 4-33-13); the gross income tax (IC 6-2.1); the state gross retail and use taxes (IC 6-2.5); the adjusted gross income tax (IC 6-3); the supplemental net income tax (IC 6-3-8); the county adjusted gross income tax (IC 6-3.5-1.1); the county option income tax (IC 6-3.5-6); the county economic development income tax (IC 6-3.5-7); the auto rental excise tax (IC 6-6-9); the bank tax (IC 6-5-10); the savings and loan association tax (IC 6-5-11); the production credit association tax (IC 6-5-12); the financial institutions tax (IC 6-5.5); the gasoline tax (IC 6-6-1.1); the alternative fuel permit fee (IC 6-6-2.1); the special fuel tax (IC 6-6-2.5); the motor carrier fuel tax (IC 6-6-4.1); a motor fuel tax collected under a reciprocal agreement under IC 6-8.1-3; the motor vehicle excise tax (IC 6-6-5); the commercial vehicle excise tax (IC 6-6-5.5); the hazardous waste disposal tax (IC 6-6-6.6); the cigarette tax (IC 6-7-1); the beer excise tax (IC 7.1-4-2); the liquor excise tax (IC 7.1-4-3); the wine excise tax (IC 7.1-4-4); the hard cider excise tax (IC 7.1-4-4.5); the malt excise tax (IC 7.1-4-5); the petroleum severance tax (IC 6-8-1); the various innkeeper's taxes (IC 6-9); the various county food and beverage taxes (IC 6-9); the county admissions tax (IC 6-9-13 and IC 6-9-28); the oil inspection fee (IC 16-44-2); the emergency and hazardous chemical inventory form fee (IC 6-6-10); the penalties assessed for oversize vehicles (IC 9-20-3 and IC 9-30); the fees and penalties assessed for overweight vehicles (IC 9-20-4 and IC 9-30); the underground storage

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tank fee (IC 13-23); the solid waste management fee (IC 13-20-22); and any other tax or fee that the department is required to collect or administer.

SECTION 52. IC 35-45-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 7. This chapter does not apply to the publication or broadcast of an advertisement, a list of prizes, or other information concerning:

- (1) pari-mutuel wagering on horse races or a lottery authorized by the law of any state; ~~or~~
- (2) a game of chance operated in accordance with IC 4-32; **or**
- (3) a pari-mutuel pull tab game operated in accordance with IC 4-31-7.5.**

SECTION 53. IC 35-45-5-11 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 11. This chapter does not apply to the sale of pari-mutuel pull tab tickets authorized by IC 4-31-7.5.**

SECTION 54. [EFFECTIVE UPON PASSAGE] **(a) The Indiana horse racing commission shall adopt the emergency rules required under IC 4-31-7.5-15, as added by this act, before September 1, 2001.**

(b) This SECTION expires December 31, 2001.

SECTION 55. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2001]: IC 4-33-4-19; IC 4-33-15.

SECTION 56. IC 4-33-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. The commission may not issue an owner's license under this chapter to a person if:

- (1) the person has been convicted of a felony under Indiana law, the laws of any other state, or laws of the United States;
- (2) the person has knowingly or intentionally submitted an application for a license under this chapter that contains false information;
- (3) the person is a member of the commission;
- (4) the person is an officer, a director, or a managerial employee of a person described in subdivision (1) or (2);
- (5) the person employs an individual who:
 - (A) is described in subdivision (1), (2), or (3); and
 - (B) participates in the management or operation of gambling operations authorized under this article;
- (6) the person owns an ownership interest of more than ~~ten percent (10%) in more than one (1) other person holding an owner's license issued under the total amount of ownership interests permitted under section 3.5 of this chapter;~~ **or**



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- (7) a license issued to the person:
 - (A) under this article; or
 - (B) to own or operate gambling facilities in another jurisdiction;
 has been revoked.

SECTION 57. IC 4-33-6-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2001]: **Sec. 3.5. A person may own up to a one hundred percent (100%) interest in each of two (2) owner's licenses issued under this chapter.**

SECTION 58. [EFFECTIVE UPON PASSAGE] **Notwithstanding any other law, a riverboat located in a county contiguous to the Ohio River may not be connected in any way to a non-navigational barge, vessel, platform, or other structure.**

SECTION 59. **An emergency is declared for this act."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass and that said bill be referred to the Committee on Ways and Means, per Rule 127.

(Reference is to HB 1729 as introduced.)

KUZMAN, Chair

Committee Vote: yeas 11, nays 3.

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